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Counsel for Darrell Maag,
Debtor and Debtor in Possession

UNITED STATES BANKRUPTCY COURT
CENTRAL DISTRICT OF CALIFORNIA
NORTHERN DIVISION

In re
SOUTHERN CALIFORNIA RESEARCH, LLC,

Debtor and Debtor in Possession

Case No.: 9:22-bk-10022-DS

Chapter: 11

Jointly Administered with Case No.:
9:22-bk-10023-DS

In re
DARRELL MAAG,

Debtor and Debtor in Possession

**MOTION FOR DISALLOWANCE OF
PROOF OF CLAIM 7 FILED BY
SOUTHWESTERN RESEARCH, INC.;
MEMORANDUM OF POINTS AND
AUTHORITIES; DECLARATIONS OF
MONSI MORALES AND DARRELL
MAAG**

Hearing:

Date: October 11, 2022

Time: 11:30 a.m.

Place: Courtroom 201 (via ZoomGov)
1415 State Street
Santa Barbara, CA 93101

- ☐ Affects Both Debtors
☐ Affects Southern California Research, LLC
☒ Affects Darrell Maag

Darrell Maag ("Maag" or the "Debtor") hereby objects (the "Objection") to proof of
claim number 7 (the "SRI Claim")¹, filed in his chapter 11 case by Southwestern
Research, Inc. ("SRI"), on the grounds that the SRI Claim is disallowed under section
502(d) of title 11 of the United States Code (the "Bankruptcy Code") because SRI was

¹ A true and correct copy of the SRI Claim is attached hereto as Exhibit A, and it is
incorporated herein by this reference.

1 the transferee of several prepetition transfers that are avoidable as preferences under
2 section 547 of the Bankruptcy Code. Therefore, the Debtor requests an Order
3 disallowing the SRI Claim in its entirety. In the alternative, the SRI Claim should be
4 reclassified as a general unsecured claim, as any purported lien against the Debtor's
5 property in favor of SRI is avoidable, among other things, as a preferential transfer
6 obtained within ninety (90) days of the Petition Date under Bankruptcy Code section
7 547 and the subject of a pending adversary proceeding brought by the Debtor against
8 SRI.²

9 **MEMORANDUM OF POINTS AND AUTHORITIES**

10 **I.**

11 **JURISDICTION**

12 This Court has jurisdiction to consider the Objection pursuant to 28 U.S.C. §§ 157
13 and 1334. This matter relates to the administration of, and the allowance of claims
14 against, the Debtor's bankruptcy estate and is, accordingly, a core proceeding pursuant
15 to 28 U.S.C. § 157(b)(2)(A), (B) and (O). Venue of this matter is proper in this Court
16 pursuant to 28 U.S.C. §§ 1408 and 1409. The statutory predicates for the relief
17 requested herein are sections 502(b) and 502(d) of the Bankruptcy Code, Rule 3007 of
18 the Federal Rules of Bankruptcy Procedure (the "Bankruptcy Rules"), and Local
Bankruptcy Rule 3007-1.

19 **II.**

20 **FACTUAL BACKGROUND**

21 **A. Bankruptcy Cases of Maag and SCR**

22 The Debtor commenced his voluntary bankruptcy case (the "Maag Case") by filing
23 a chapter 11 petition under the Bankruptcy Code on January 12, 2022 (the "Petition
24 Date"). On that same date, related debtor Southern California Research, LLC ("SCR")
25

26 ² The adversary proceeding is entitled *Southern California Research, LLC, and Darrell*
27 *Maag v. Southwestern Research, Inc.*, Adv. Case No. 9:22-ap-01012-DS (the "Adversary
28 Action"). Given the crossover of issues to be decided, the Debtor recommends that this
Objection be consolidated with the Adversary Action, or that the hearing on the
Objection be continued to a date following the resolution of the Adversary Action.

1 also filed a voluntary petition for relief under chapter 11 of the Bankruptcy Code,
2 commencing case number 9:22-10022-DS (the “SCR Case”).

3 The Bankruptcy Court authorized the joint administration of the Maag Case and
4 the SCR Case by an Order entered on January 19, 2022.

5 **B. Dispute with SRI**

6 From 1998 through 2015, Maag was the clinical trial manager and employee of
7 SRI. SRI was a corporation formed by two doctors to perform clinical research.
8 Following the death of one of the founding doctors, the surviving partner (“Dr. Murphy”)
9 and the heirs of the deceased (collectively, “Friedman”) engaged in litigation to determine
10 the ownership rights in and to SRI, which litigation ultimately determined that Friedman
11 was entitled to a 50% ownership interest in SRI. Subsequently, Friedman commenced
12 litigation against Dr. Murphy, Maag and SCR, among others, in the Los Angeles County
13 Superior Court, Case No. SC 121128 (the “SRI Action”), alleging, *inter alia*, that Maag
14 and SCR diverted assets and business from SRI.

15 During the litigation in the SRI Action, all defendants, other than Dr. Murphy,
16 Maag and SCR, settled with Friedman for the maximum allowable claims under the
17 settling defendants’ respective insurance policies. Although Maag and SCR had
18 insurance coverage with Travelers Casualty Insurance Company of America and
19 Travelers Property Casualty of America (together, “Travelers”) with a policy limit of \$3
20 million, Travelers refused to settle the claims against the Debtors in the SRI Action for
21 that amount and countered with only \$790,000. Friedman rejected Travelers’s
22 settlement offer.

23 Subsequently, the Superior Court imposed terminating sanctions against the
24 Debtors (for alleged discovery violations, which the Debtors dispute), and the Debtors’
25 answers were stricken, leaving them in default without ever litigating the matter on the
26 merits. Without the ability to defend themselves in the prove-up hearing, Maag and SCR
27 were hit with a default judgment (the “Default Judgment”) in the approximate amounts of
28

1 \$21.3 million and \$11.1 million, respectively, in October 2021.³

2 The Debtors believe that they may be entitled to coverage payment from
3 Travelers up to the limits of the applicable policy, including any supplemental costs
4 allowed, in an amount no less than \$3 million.⁴ The Debtors further believe that they
5 may have claims against Travelers for bad faith, among possible other claims, and
6 potential damages in the millions of dollars.

7 Following the entry of the Default Judgment in the SRI Action, SRI undertook
8 aggressive efforts to collect on the Default Judgment, including scheduling judgment
9 debtor examinations, recording judgment liens and an abstract of judgment and levying
10 on the Debtors' bank accounts (including savings of Maag's sons). Specifically, as
11 alleged in the Amended Complaint in the Adversary Action, attached to the Declaration of
12 Monsi Morales as Exhibit B:

- 13 • On or about October 25, 2021, SRI filed a Notice of Judgment Lien (the
14 "Maag Judgment Lien") with the State of California Office of the Secretary of
15 State, as File No. U210096510724, listing "Darrell Maag" as the judgment
16 debtor. See, Morales Declaration, Exhibit A, SRI Claim, Exhibit 3 thereto.
- 17 • On November 1, 2021, the State Court issued an abstract of judgment –
18 civil and small claims in the SRI Action in favor of SRI and against Maag
19 and SCR (the "Abstract of Judgment").
- 20 • On or about November 29, 2021, SRI recorded the Abstract of Judgment in
21 the Ventura County Clerk-Recorder as Abstract No. 2021001978181. See,
22 Morales Declaration, Exhibit A, SRI Claim, Exhibit 4 thereto.
- 23 • On or about December 6, 2021, SRI recorded the Abstract of Judgment in
24 the Los Angeles County Recorder's Office as Abstract No. 20211804889.
25 See, Morales Declaration, Exhibit A, SRI Claim, Exhibit 6 thereto.

26 ³ The amount of the Default Judgment against each Debtor subsequently was reduced
27 because of a settlement and payment made by Dr. Murphy, with whom the Debtors had
28 joint and several liability for a portion of the Default Judgment.

⁴ The Debtors are informed that SRI contends that any and all coverage payments must
be paid directly to SRI, as judgment creditor. The Debtors dispute this contention.

- Pursuant to a Writ of Execution issued on or about October 29, 2021, SRI caused the Fresno County Sheriff's Office to levy multiple deposit accounts belonging to Maag and SCR for the benefit of SRI (the "Levies"). See, Maag Declaration, Exhibits 1-2.
- By the Levies, funds from the bank accounts belonging to Maag were levied in amounts not less than \$16,324.52 in the ninety (90) days prior to the Petition Date. See, Maag Declaration, Exhibit 3.
- By the Levies, SRI received funds from the bank accounts belonging to Maag (the "Maag Levies") in amounts not less than \$336.66 in the ninety (90) days prior to the Petition Date. See, Morales Declaration, Exhibit C.
- On or about November 22, 2021, the State Court issued an Order directing Maag to appear for a judgment debtor examination on January 14, 2022 (the "Maag Judgment Exam Order"). See, Morales Declaration, Exhibit A, SRI Claim, Exhibit 5. The Maag Judgment Exam Order was served on or about December 21, 2021. See, Morales Declaration, Exhibit A, SRI Claim, Exhibit 7.

C. The SRI Claim

On April 27, 2022, SRI filed a proof of claim in the amount of \$19,179,891.84 in the Maag Case, designated by the Bankruptcy Court as claim number 7 (the "SRI Claim"). The SRI Claim states that it is secured by real estate and a judgment lien on personal property, attaching copies of the Maag Judgment Lien, the Abstract of Judgment and the Maag Judgment Exam Order.

III.

OBJECTION

Section 502(a) of the Bankruptcy Code provides that "[a] claim or interest, proof of which is filed under section 501 of this title, is deemed allowed, unless a party in interest...objects." Section 502(b)(1) states that if an "objection to a claim is made, the court, after notice and hearing, shall determine the amount of such claim in lawful currency of the United States as of the date of the filing of the petition, and shall allow

1 such claim in such amount, except to the extent that...such claim is unenforceable
2 against the debtor...under any agreement or applicable law.” Moreover, once the
3 objector raises facts tending to defeat the claim by probative force equal to that of the
4 allegations of the proofs of claims themselves the “the burden reverts to the claimant to
5 prove the validity of the claim by a preponderance of the evidence.” *Wright v. Holm (In*
6 *re Holm)*, 931 F.2d 620, 623 (9th Cir. 1991; *Ashford v. Consolidated Pioneer Mortgage*
7 *(In re Consolidated Pioneer Mortgage)*, 178 B.R. 222, 226 (9th Cir. B.A.P 1985), *aff’d*, 91
8 F.3d 151 (9th Cir. 1996). “[T]he ultimate burden of persuasion is always on the
9 claimant.” *Holm*, 931 F. 2d at 623.

10 **A. The SRI Claim Should Be Disallowed Pursuant To 11 U.S.C. 502(d)**

11 The SRI claim should be disallowed in its entirety pursuant to Bankruptcy Code
12 section 502(d), because SRI is the transferee of avoidable transfers and liens that it has
13 not repaid and relinquished.

14 Bankruptcy Code section 502(d) states, in part, that “the court *shall disallow* any
15 claim of any entity . . . that is a transferee of a transfer avoidable under section 522(f),
16 522(h), 544, 545, 547, 548, 549, or 724(a) of this title, unless such entity or transferee
17 has paid the amount or turned over any such property for which such entity or transferee
18 is liable under 522(i), 542, 543, 550, or 553 of this title.” 11 U.S.C. § 502(d) (emphasis
19 added). Section 502(d) “requires disallowance of a claim of a transferee of a voidable
20 transfer *in toto* if the transferee had not paid the amount or turned over the property
21 received as required under the sections of the Code under which the transferee’s liability
22 arises.” 4 *Collier on Bankruptcy*, ¶ 502.05[1] at 502-55 (16th ed. Rev. 2022) (emphasis
23 in original). Disallowance under section 502(d) applies even where the avoidable
24 transfer is a lien as opposed to money or property, and the failure to relinquish the
25 avoidable lien results in disallowance of the creditor’s claim. *See In re America West*
26 *Airlines, Inc.* 217 F.3d 1161, 1165-1167 (9th Cir. 2000).

27 Here, SRI is the transferee of transfers of money and liens against Maag, which
28 are avoidable under Bankruptcy Code sections 547. By the Maag Levies, more than

1 \$16,000 was levied from accounts belonging to Maag within 90 days of the Petition Date,
2 of which amount SRI received not less than \$336.66.⁵ No amounts received by SRI from
3 the Maag Levies have been repaid. In addition, SRI has not relinquished the liens to the
4 Estate for which it is liable under Bankruptcy Code section 550(a). Specifically, within 90
5 days of the Petition Date, SRI purportedly perfected liens against Maag's real and
6 personal property by recording the Abstract of Judgment and the Maag Judgment Lien
7 and by serving the Maag Judgment Exam Order (collectively, the "Maag Transfers").

8 For the reasons set forth in the Amended Complaint, which allegations are
9 incorporated herein, the Maag Levies and the Maag Transfers constitute preferential
10 transfers that are avoidable and recoverable by the Estate pursuant to Bankruptcy Code
11 sections 547 and 550, respectively. SRI has made no effort to repay the Maag Levies or
12 to relinquish the liens created by the Maag Transfers. Accordingly, the SRI Claim should
13 be disallowed in its entirety pursuant to Bankruptcy Code section 502(d).

14 **B. Notwithstanding Disallowance under Section 502(d) The SRI Claim Should**
15 **Be Disallowed As To Any Amounts Not Due And Owing.**

16 Aside from disallowance of the SRI Claim in its entirety under Section A above,
17 the SRI Claim should be disallowed for any amount not proven as due and owing,
18 including but not limited to the following:

- 19 • There is a dispute between the parties as to the amount of money received
20 by SRI on account of the Maag Levies. However, the SRI Claim does not
21 appear to account for any amounts received by the Maag Levies, even
22 those amounts that SRI has admitted having received. (See Morales
23 Declaration, Exhibit C);
- 24 • SRI has alleged a right to receive any payments from Travelers under the
25 Debtor's insurance policy (disputed by the Debtor), which may significantly
26 reduce the SRI Claim;
- 27 • The SRI Claim appears to calculate interest post-Petition Date, and if

28 ⁵ The SRI Claim does not calculate the receipt of any levied funds into its claim amount.

accurate, such amounts are not authorized since the claim amount exceeds the value of the Debtor's assets. (See Debtor's Schedules incorporated herein by this reference; Dkt. nos. 1 and 52). All post-petition interest should be disallowed. See, 11 U.S.C. § 506(b); *United States v. Ron Pair Enterprises, Inc.*, 489 U.S. 235, 241 (1989); and

- The Adversary Action remains pending which, depending on the outcome, will affect the amount of the SRI Claim. Thus, the Debtor reserves all rights, claims and defenses to the amount of the SRI Claim as affected by the pending Adversary Action.

Because of the inaccurate and potentially changing amount of the SRI Claim, the Debtor requests an opportunity to conduct discovery, if necessary, with respect to the SRI Claim and this Objection. Further, the Debtor reserves all rights to supplement this Objection and/or raise any additional objections to the SRI Claim in amount and/or for any other reason that may arise.

C. In the Alternative, the SRI Claim Should Be Reclassified As Unsecured

As set forth in the Amended Complaint in the Adversary Action, the Maag Transfers are avoidable as preferential transfers pursuant to Bankruptcy Code section 547. The Maag Transfers were transfers of a property interest of Plaintiff Maag made within 90 days of the Petition Date, at a time when Maag was insolvent⁶. The Maag Transfers were made to or for the benefit of SRI on account of an antecedent debt owed by Maag at a time in which SRI was an alleged creditor of Plaintiff Maag, as the term "creditor" is defined by 11 U.S.C. § 101(10). The Maag Transfers enabled SRI to receive more than SRI would otherwise have received if (a) the Maag Bankruptcy Case was a case under chapter 7 of the Bankruptcy Code; (b) the Maag Transfers had not been made; and (c) SRI received payment of such debt to the extent provided by the provisions of the Bankruptcy Code.

The Maag Transfers are avoidable as preferential transfers, which will be adjudicated in

⁶ See 11 U.S.C. § 547(f) (debtor's presumption of insolvency during 90 days prepetition).

1 the Adversary Action. Once the Maag Transfers are avoided and recovered on behalf of
2 the Estate, SRI will not have a valid, perfected lien on any property of the Debtor. As a
3 result, the SRI Claim should be reclassified and deemed to be a general unsecured
4 claim.

5 **IV.**

6 **CONCLUSION**

7 **WHEREFORE** the Debtor respectfully requests that the Bankruptcy Court enter
8 an order (a) disallowing the SRI Claim in its entirety, or, in the alternative, reclassifying
9 the SRI Claim as unsecured, and (b) granting such other and further relief as may be
10 appropriate under the circumstances.

11
12 DATED: September 2, 2022

MARGULIES FAITH, LLP

13 By: /s/ Monsi Morales.
14 Craig G. Margulies
15 Monsi Morales
16 Attorneys for Debtor Darrell Derrick Maag
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DECLARATION OF DARRELL MAAG

I, Darrell Maag, declare as follows:

1. I am an individual residing in the State of California and am the Managing Member and sole owner of Southern California Research, LLC ("SCR"). I am the debtor and debtor-in-possession in the above-captioned case. I have personal knowledge of the facts set forth in this Declaration and, if called upon to testify as to such facts, I could and would so state.

2. I submit this declaration in support of the *Motion for Disallowance of Proof of Claim 7 Filed by Southwestern Research, Inc.* (the "Objection"). Capitalized terms used herein and not defined shall have the meanings ascribed to them in the Objection.

3. I commenced my voluntary bankruptcy case (the "Maag Case") by filing a chapter 11 petition under the Bankruptcy Code on January 12, 2022 (the "Petition Date"). On that same date, I caused SCR to file a voluntary petition for relief under chapter 11 of the Bankruptcy Code, commencing case number 9:22-10022-DS (the "SCR Case").

4. From 1998 through 2015, I was the clinical trial manager and employee of SRI.

5. I am informed and believe that SRI was a corporation formed by two doctors to perform clinical research.

6. I am informed and believe that, following the death of one of the founding doctors, the surviving partner ("Dr. Murphy") and the heirs of the deceased (collectively, "Friedman") engaged in litigation to determine the ownership rights in and to SRI, which litigation ultimately determined that Friedman was entitled to a 50% ownership interest in SRI.

7. Subsequently, Friedman commenced litigation against Dr. Murphy, me and SCR, among others, in the Los Angeles County Superior Court, Case No. SC 121128 (the "SRI Action"), alleging, *inter alia*, that SCR and I diverted assets and business from SRI.

1 8. During the litigation in the SRI Action, all defendants, other than Dr.
2 Murphy, SCR and me, settled with Friedman for the maximum allowable claims under
3 the settling defendants' respective insurance policies.

4 9. Although SCR and I had insurance coverage with Travelers Casualty
5 Insurance Company of America and Travelers Property Casualty of America (together,
6 "Travelers") with a policy limit of \$3 million, Travelers refused to settle the claims against
7 us in the SRI Action for that amount and countered with only \$790,000.

8 10. Friedman rejected Travelers's settlement offer.

9 11. Subsequently, the Superior Court imposed terminating sanctions against
10 SCR and me (for alleged discovery violations, which we dispute), and our answers were
11 stricken.

12 12. As a result, SCR and I were hit with a default judgment (the "Default
13 Judgment") in the approximate amounts of \$21.3 million and \$11.1 million, respectively,
14 in October 2021.

15 13. I am informed and believe that the amount of the Default Judgment against
16 SCR and me subsequently was reduced because of a settlement and payment made by
17 Dr. Murphy, with whom we had joint and several liability for a portion of the Default
18 Judgment.

19 14. I believe that SCR and I may be entitled to coverage payment from
20 Travelers up to the limits of the applicable policy, including any supplemental costs
21 allowed, in an amount no less than \$3 million.

22 15. I further believe that SCR and I may have claims against Travelers for bad
23 faith, among possible other claims, and potential damages in the millions of dollars.

24 16. As set forth in more detail in the pending Adversary Action brought by me
25 and SCR against SRI, following the entry of the Default Judgment in the SRI Action, SRI
26 undertook aggressive efforts to collect on the Default Judgment, including scheduling
27 judgment debtor examinations, recording judgment liens and an abstract of judgment
28 and levying on the bank accounts belonging to me and SCR (including savings of one of

1 my sons).

2 17. Attached hereto as Exhibit 1 is a true and correct copy of the Writ of
3 Execution obtained by SRI against me and SCR.

4 18. Attached hereto as Exhibit 2 is a true and correct copy of the Notice of
5 Levy from the Fresno County Sheriff's Office.

6 19. Attached hereto as Exhibit 3 are true and correct copies of levy notices
7 sent to me from Wells Fargo Bank stating that funds had been levied from several of my
8 accounts, including joint accounts with my wife and son, and sent to the Fresno County
9 Sheriff's Office pursuant to the Notice of Levy.

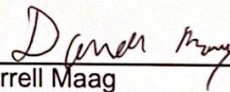
10 I declare under penalty of perjury that the foregoing is true and correct.

11 Executed this 2nd day of September 2022 at Westlake Village, California.

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Darrell Maag

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EXHIBIT 1

EJ-130

| | |
|---|---|
| ATTORNEY OR PARTY WITHOUT ATTORNEY: NAME: SHERYL D. NOEL #172551 FIRM NAME: COLEMAN & HOROWITT, LLP STREET ADDRESS: 499 West Shaw Avenue, Suite 116 CITY: Fresno TELEPHONE NO.: (559) 248-4820 EMAIL ADDRESS: snoel@ch-law.com ATTORNEY FOR (name): SOUTHWESTERN RESEARCH, INC., a California corporation <input checked="" type="checkbox"/> ATTORNEY FOR: <input checked="" type="checkbox"/> ORIGINAL JUDGMENT CREDITOR <input type="checkbox"/> ASSIGNEE OF RECORD | STATE BAR NO.: STATE: CA ZIP CODE: 93704 FAX NO.: (559) 248-0130 |
| SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES STREET ADDRESS: 6230 Sylmar Avenue MAILING ADDRESS: same as above CITY AND ZIP CODE: Van Nuys, CA 91401 BRANCH NAME: Unlimited Civil | |
| PLAINTIFF/PETITIONER: LOIS FRIEDMAN, et al. DEFENDANT/RESPONDENT: JOHN MURPHY, M.D., et al. | |
| <input checked="" type="checkbox"/> EXECUTION (Money Judgment) WRIT OF <input type="checkbox"/> POSSESSION OF <input type="checkbox"/> Personal Property <input type="checkbox"/> SALE <input type="checkbox"/> Real Property | |
| CASE NUMBER: SC121128 <input type="checkbox"/> Limited Civil Case (including Small Claims) <input checked="" type="checkbox"/> Unlimited Civil Case (including Family and Probate) | |

1. To the Sheriff or Marshal of the County of: **LOS ANGELES**
 You are directed to enforce the judgment described below with daily interest and your costs as provided by law.
2. To any registered process server: You are authorized to serve this writ only in accordance with CCP 699.080 or CCP 715.040.
3. (Name): **SOUTHWESTERN RESEARCH, INC., a California corporation**
 is the ☒ original judgment creditor ☐ assignee of record whose address is shown on this form above the court's name.

4. Judgment debtor (name, type of legal entity if not a natural person, and last known address):

DARRELL MAAG
5550 Partridge Court
Westlake Village, CA 91362

☒ Additional judgment debtors on next page

9. ☐ Writ of Possession/Writ of Sale information on next page.
10. ☐ This writ is issued on a sister-state judgment.
- For items 11-17, see form MC-012 and form MC-013-INFO.
11. Total judgment (as entered or renewed) \$ **21,546,624.07**
12. Costs after judgment (CCP 685.090) \$ **0.00**
13. Subtotal (add 11 and 12) \$ **21,546,624.07**
14. Credits to principal (after credit to interest) \$ **0.00**
15. Principal remaining due (subtract 14 from 13) \$ **21,546,624.07**
16. Accrued Interest remaining due per CCP 685.050(b) (not on GC 6103.5 fees) \$ **0.00**
17. Fee for issuance of writ (per GC 70626(a)(1)) \$ **40.00**
18. Total amount due (add 15, 16, and 17) \$ **21,546,664.07**

5. Judgment entered on (date): **October 20, 2021**
 (See type of judgment in item 22.)
6. ☐ Judgment renewed on (dates):

7. Notice of sale under this writ:
 - a. ☒ has not been requested.
 - b. ☐ has been requested (see next page).
8. ☐ Joint debtor information on next page.

19. Levying officer:
 - a. Add daily interest from date of writ (at the legal rate on 15) (not on GC 6103.5 fees) \$ **5,903.18**
 - b. Pay directly to court costs included in 11 and 17 (GC 6103.5, 68637; CCP 699.520(j)) \$ **0.00**

20. ☒ The amounts called for in items 11-19 are different for each debtor. These amounts are stated for each debtor on Attachment 20.

Sherri R. Carter Executive Officer / Clerk of Court
 Date: 10/29/2021 Clerk, by E. Montagna, Deputy

NOTICE TO PERSON SERVED: SEE PAGE 3 FOR IMPORTANT INFORMATION.



EJ-130

| | |
|---|--------------|
| Plaintiff/Petitioner: LOIS FRIEDMAN, et al. | CASE NUMBER: |
| Defendant/Respondent: JOHN MURPHY, M.D., et al. | SC121128 |

21. ☒ Additional judgment debtor(s) (name, type of legal entity if not a natural person, and last known address):

SOUTHERN CALIFORNIA RESEARCH LLC
436 N. Roxbury Drive, Suite 222 (also Suite 205)
Beverly Hills, CA 90210

JOHN MURPHY, M.D.
1300 SE Macarthur Boulevard
Stuart, FL 34996

FILED BK AND WILL NOT EXECUTE JUDGMENT

22. The judgment is for (check one):

- a. ☐ wages owed.
b. ☐ child support or spousal support.
c. ☒ other.

23. ☐ Notice of sale has been requested by (name and address):

24. ☐ Joint debtor was declared bound by the judgment (CCP 989-994)

- a. on (date):
b. name, type of legal entity if not a natural person, and last known address of joint debtor:
- a. on (date):
b. name, type of legal entity if not a natural person, and last known address of joint debtor:

c. ☐ Additional costs against certain joint debtors are itemized: ☐ below ☐ on Attachment 24c.

25. ☐ (Writ of Possession or Writ of Sale) Judgment was entered for the following:

- a. ☐ Possession of real property: The complaint was filed on (date):
(Check (1) or (2). Check (3) if applicable. Complete (4) if (2) or (3) have been checked.)
- (1) ☐ The Prejudgment Claim of Right to Possession was served in compliance with CCP 415.46. The judgment includes all tenants, subtenants, named claimants, and other occupants of the premises.
- (2) ☐ The Prejudgment Claim of Right to Possession was NOT served in compliance with CCP 415.46.
- (3) ☐ The unlawful detainer resulted from a foreclosure sale of a rental housing unit. (An occupant not named in the judgment may file a Claim of Right to Possession at any time up to and including the time the levying officer returns to effect eviction, regardless of whether a Prejudgment Claim of Right to Possession was served.) (See CCP 415.46 and 1174.3(a)(2).)
- (4) If the unlawful detainer resulted from a foreclosure (item 25a(3)), or if the Prejudgment Claim of Right to Possession was not served in compliance with CCP 415.46 (item 25a(2)), answer the following:
- (a) The daily rental value on the date the complaint was filed was \$
- (b) The court will hear objections to enforcement of the judgment under CCP 1174.3 on the following dates (specify):

Item 25 continued on next page

EJ-130

Plaintiff/Petitioner: LOIS FRIEDMAN, et al.
Defendant/Respondent: JOHN MURPHY, M.D., et al.

CASE NUMBER:
SC121128

25. b. ☐ Possession of personal property.
☐ If delivery cannot be had, then for the value (*itemize in 25e*) specified in the judgment or supplemental order.
- c. ☐ Sale of personal property.
- d. ☐ Sale of real property.
- e. The property is described ☐ below ☐ on Attachment 25c.

NOTICE TO PERSON SERVED

WRIT OF EXECUTION OR SALE. Your rights and duties are indicated on the accompanying *Notice of Levy* (form EJ-150).

WRIT OF POSSESSION OF PERSONAL PROPERTY. If the levying officer is not able to take custody of the property, the levying officer will demand that you turn over the property. If custody is not obtained following demand, the judgment may be enforced as a money judgment for the value of the property specified in the judgment or in a supplemental order.

WRIT OF POSSESSION OF REAL PROPERTY. If the premises are not vacated within five days after the date of service on the occupant or, if service is by posting, within five days after service on you, the levying officer will remove the occupants from the real property and place the judgment creditor in possession of the property. Except for a mobile home, personal property remaining on the premises will be sold or otherwise disposed of in accordance with CCP 1174 unless you or the owner of the property pays the judgment creditor the reasonable cost of storage and takes possession of the personal property not later than 15 days after the time the judgment creditor takes possession of the premises.

EXCEPTION IF RENTAL HOUSING UNIT WAS FORECLOSED. If the residential property that you are renting was sold in a foreclosure, you have additional time before you must vacate the premises. If you have a lease for a fixed term, such as for a year, you may remain in the property until the term is up. If you have a periodic lease or tenancy, such as from month-to-month, you may remain in the property for 90 days after receiving a notice to quit. A blank form *Claim of Right to Possession and Notice of Hearing* (form CP10) accompanies this writ. You may claim your right to remain on the property by filling it out and giving it to the sheriff or levying officer.

EXCEPTION IF YOU WERE NOT SERVED WITH A FORM CALLED PREJUDGMENT CLAIM OF RIGHT TO POSSESSION. If you were not named in the judgment for possession and you occupied the premises on the date on which the unlawful detainer case was filed, you may object to the enforcement of the judgment against you. You must complete the form *Claim of Right to Possession and Notice of Hearing* (form CP10) and give it to the sheriff or levying officer. A blank form accompanies this writ. You have this right whether or not the property you are renting was sold in a foreclosure.

| | |
|---|--|
| ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, state bar number, and address): SHERYL D. NOEL #172551 COLEMAN & HOROWITT, LLP 499 West Shaw Avenue, Suite 116 Fresno, California 93704 TELEPHONE NO.: (559) 248-4820 FAX NO. (Optional): (559) 248-0130 E-MAIL ADDRESS (Optional): snoel@ch-law.com ATTORNEY FOR (Name): SOUTHWESTERN RESEARCH, INC., a California corporation | Reserved for Clerk's File Stamp |
| SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES | |
| COURTHOUSE ADDRESS: 6230 Sylmar Avenue Van Nuys, CA 91401 | |
| PLAINTIFF: LOIS FRIEDMAN, et al. | |
| DEFENDANT: JOHN MURPHY, M.D., et al. | |
| WRIT OF EXECUTION - ATTACHMENT 20 | |
| CASE NUMBER: SC121128 | |
| Line Number/Item | <div style="display: flex; justify-content: space-between;"> <div style="width: 45%;">Debtor #1 DARRELL MAAG</div> <div style="width: 45%;">Debtor #2 SOUTHERN CALIFORNIA</div> </div> |
| 11. Total Judgment | <div style="display: flex; justify-content: space-between;"> \$ 21,277,580.14 \$ 11,123 451.22 </div> |
| 12. Costs after judgment (per filed order or memo pursuant to Code of Civil Procedure section 685.090) | <div style="display: flex; justify-content: space-between;"> \$ 0.00 \$ 0.00 </div> |
| 13. Subtotal (add 11 and 12) | <div style="display: flex; justify-content: space-between;"> \$ 21,277,580.14 \$ 11,123 451.22 </div> |
| 14. Credits | <div style="display: flex; justify-content: space-between;"> \$ 0.00 \$ 0.00 </div> |
| 15. Subtotal (subtract 14 from 13) | <div style="display: flex; justify-content: space-between;"> \$ 21,277,580.14 \$ 11,123 451.22 </div> |
| 16. Interest after judgment (per filed affidavit pursuant to Code of Civil Procedure section 685.050) | <div style="display: flex; justify-content: space-between;"> \$ 0.00 \$ 0.00 </div> |
| 17. Fee for issuance of writ | <div style="display: flex; justify-content: space-between;"> \$ 40.00 \$ 40.00 </div> |
| 18. TOTAL (add 15, 16, and 17) | <div style="display: flex; justify-content: space-between;"> \$ 21,277,620.14 \$ 11,123,491.22 </div> |
| 19. Levying officer: (a) Add daily interest from date of writ (at the legal rate on line 15) | <div style="display: flex; justify-content: space-between;"> \$ 5,829.47 \$ 3,047.52 </div> |
| (b) Pay directly to court costs included in lines 11 and 17 (Gov. Code, §§ 6103.5, 68511.3; Code Civ. Proc., § 699.520, subd. (i)) | <div style="display: flex; justify-content: space-between;"> \$ 0.00 \$ 0.00 </div> |

Writ issued on:

10/29/2021 Dated

SHERRI R. CARTER, Executive Officer/Clerk

By E. Montagna
Deputy Clerk

| | | | |
|--|-----------------------------------|---------------------------------|--|
| ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, state bar number, and address): SHERYL D. NOEL #172551 COLEMAN & HOROWITT, LLP 499 West Shaw Avenue, Suite 116 Fresno, California 93704 TELEPHONE NO.: (559) 248-4820 FAX NO. (Optional): (559) 248-0130 E-MAIL ADDRESS (Optional): snoel@ch-law.com ATTORNEY FOR (Name): SOUTHWESTERN RESEARCH, INC., a California corporation | | Reserved for Clerk's File Stamp | |
| SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES | | | |
| COURTHOUSE ADDRESS: 6230 Sylmar Avenue Van Nuys, CA 91401 | | | |
| PLAINTIFF: LOIS FRIEDMAN, et al. | | | |
| DEFENDANT: JOHN MURPHY, M.D., et al. | | | |
| WRIT OF EXECUTION - ATTACHMENT 20 | | CASE NUMBER: SC121128 | |
| Line Number/Item | Debtor #1 #3 JOHN MURPHY, M.D. | Debtor #2 | |
| 11. Total Judgment | \$ 21,546,624.07 | \$ | |
| 12. Costs after judgment (per filed order or memo pursuant to Code of Civil Procedure section 685.090) | \$ 0.00 | \$ | |
| 13. Subtotal (add 11 and 12) | \$ 21,546,624.07 | \$ 0.00 | |
| 14. Credits | \$ 0.00 | \$ | |
| 15. Subtotal (subtract 14 from 13) | \$ 21,546,624.07 | \$ 0.00 | |
| 16. Interest after judgment (per filed affidavit pursuant to Code of Civil Procedure section 685.050) | \$ 0.00 | \$ | |
| 17. Fee for issuance of writ | \$ 40.00 | \$ | |
| 18. TOTAL (add 15, 16, and 17) | \$ 21,546,664.07 | \$ 0.00 | |
| 19. Levying officer: (a) Add daily interest from date of writ (at the legal rate on line 15) | \$ 5,903.18 | \$ | |
| (b) Pay directly to court costs included in lines 11 and 17 (Gov. Code, §§ 6103.5, 68511.3; Code Civ. Proc., § 699.520, subd. (i)) | \$ 0.00 | \$ | |

Writ issued on:

10/29/2021 Dated

SHERRI R. CARTER, Executive Officer/Clerk

By E. Montagna
Deputy Clerk

EXHIBIT 2

EJ-150

| | | |
|---|----------------------------------|--|
| ATTORNEY OR PARTY WITHOUT ATTORNEY (name and address): After recording, return to: Coleman & Horowitz, LLP 499 West Shaw Avenue #116 Fresno CA 93704 | | |
| TEL NO.: 559-248-4820 | FAX NO. (optional): 559-248-0130 | |
| EMAIL ADDRESS (optional): <input checked="" type="checkbox"/> ATTORNEY FOR <input type="checkbox"/> ORIGINAL JUDGMENT CREDITOR <input type="checkbox"/> ASSIGNEE OF RECORD | | |
| SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: 6230 Sylmar Avenue MAILING ADDRESS: Van Nuys CA 91401 CITY AND ZIP CODE: BRANCH NAME: Van Nuys Courthouse | | FOR RECORDER'S USE ONLY |
| PLAINTIFF/PETITIONER: Lois Friedman DEFENDANT/RESPONDENT: John Murphy, M.D. et al | | LEVYING OFFICER (name and address): Fresno County Sheriff Office, Civil Unit P. O. Box 45025 Fresno, CA 93718 CA Relay 800-735-2929 TDD or 711 |
| NOTICE OF LEVY under Writ of <input checked="" type="checkbox"/> Execution (Money Judgment) <input type="checkbox"/> Sale | | LEVYING OFFICER FILE NO.: 21004676 COURT CASE NO.: SC121128 |

TO THE PERSON NOTIFIED (name): Southern California Research LLC 436 N Roxbury Drive Ste 222 Beverly Hills CA 90210

1. The judgment creditor seeks to levy upon property in which the judgment debtor has an interest and apply it to the satisfaction of a judgment as follows:

a. Judgment debtor (name): Southern California Research LLC

b. The property to be levied upon is described:

☐ in the accompanying writ of possession or writ of sale.

☒ as follows: Any and all accounts including but not limited to checking, savings, money markets, T-bills, securities, stocks and bonds, safe deposit boxes etc. standing in the name of the judgment debtor.

2. The judgment is for (check one):

☐ wages owed.

☐ child/spousal support.

☒ other. Unknown

3. The amount necessary to satisfy the judgment creditor's judgment writ is

| | | |
|---|----|---------------|
| a. Total amount due (less partial satisfactions) from line 18 of writ (form EJ-130) | \$ | 11,150,878.91 |
| b. Levy fee | \$ | 40.00 |
| c. Sheriff's disbursement fee | \$ | 12.00 |
| d. Recoverable costs | \$ | 40.00 |
| e. Total (a through d) | \$ | 11,150,970.91 |
| f. Daily interest from line 19a of writ (form EJ-130) | \$ | 3,047.52 |

4. You are notified as:

a. ☒ a judgment debtor.

b. ☐ a person other than the judgment debtor (state capacity in which person is notified):

(Read Information for Judgment Debtor or Information for Person Other Than Judgment Debtor on page two.)

Notice of Levy was

☒ mailed on (date): 11-10-21

☐ delivered on (date):

Date: 11-10-21

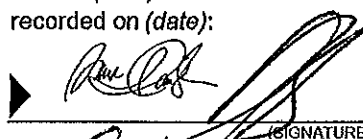
Sheriff's Authorized Agent

(TYPE OR PRINT NAME)

☐ posted on (date):

☐ filed on (date):

☐ recorded on (date):



☐ Levying officer

☐ Registered process server

Page 1 of 2

| | | |
|---|-----------------------------|-----------------------------|
| Main Document Page 21 of 164 SHORT TITLE: Lois Friedman vs. John Murphy, M.D. et al | COURT CASE NO.: 21004676 | COURT CASE NO.: SC121128 |
|---|-----------------------------|-----------------------------|

-INFORMATION FOR JUDGMENT DEBTOR-

1. The levying officer is required to take custody of the property described in Item 1 in your possession or under your control.
2. There are automatic exemptions that financial institutions should apply to a deposit account before providing funds to the levying officer. See below for more information.
3. You may claim any available exemption for your property. A list of exemptions can be found on form EJ-155. **If you wish to claim an exemption for personal property, you must do so within 15 days after this notice was delivered to you or 20 days after this notice was mailed to you** by filing a claim of exemption and one copy with the levying officer as provided in section 703.520 of the Code of Civil Procedure. The date of filing is calculated as the date the claim is received by the levying officer, or the date of the postmark if the claim is mailed and assigned a tracking number by the U.S. Postal Service or another common carrier. **If you do not claim an exemption, you may lose it and the property is subject to enforcement of a money judgment. If you wish to seek the advice of an attorney, you should do so immediately so that a claim of exemption can be filed on time.**
4. You are not entitled to claim an exemption for property that is levied upon under a judgment for sale of property. This property is described in the accompanying writ of sale. You may, however, claim available exemptions for property levied upon to satisfy damages or costs awarded in such a judgment.
5. You may obtain the release of your property by paying the amount of a money judgment with interest and costs remaining unpaid.
6. If your property is levied upon under a writ of execution or to satisfy damages and costs under a writ of possession or sale, the property may be sold at an execution sale, perhaps at a price substantially below its value. Notice of sale will be given to you. Notice of sale of real property (other than a leasehold estate with an unexpired term of less than two years) may not be given until at least 120 days after this notice is served on you. This grace period is intended to give you an opportunity to settle with the judgment creditor, to obtain a satisfactory buyer for the property, or to encourage other potential buyers to attend the execution sale.
7. All sales at an execution sale are final; there is no right of redemption.

- INFORMATION FOR PERSON OTHER THAN JUDGMENT DEBTOR -

1. If the property levied upon is in your possession or under your control and you do not claim the right to possession or a security interest, you must deliver the property to the levying officer. If you do not deny an obligation levied upon or do not claim a priority over the judgment creditor's lien, you must pay to the levying officer the amount that is due and payable and that becomes due and payable during the period of the execution lien, which lasts two years from the date of issuance of the writ of execution. You must execute and deliver any documents needed to transfer the property.
2. If you are a financial institution, you are required to apply applicable exemptions to deposit accounts. See below.
3. You must complete the accompanying Memorandum of Garnishee within 10 days.
4. If you claim ownership or the right to possession of real or personal property levied upon or if you claim a security interest in or lien on personal property levied upon, you may make a third-party claim and obtain the release of the property under sections 720.010-720.800 of the Code of Civil Procedure.
5. **Make checks payable to the levying officer shown on page 1.**

- INFORMATION ABOUT DEPOSIT ACCOUNTS -

1. If the levy is **not** to satisfy a judgment for wages owed, child or spousal support, or liability to the state government, financial institutions must automatically exempt money in a deposit account up to a certain dollar amount, under section 704.220 of the Code of Civil Procedure, with no claim of exemption required. See form EJ-156 for the exemption amount.
2. Other automatic exemptions may apply to deposit accounts, such as exemptions for directly deposited social security or public benefits under section 704.080. (See form EJ-156 for the exemption amounts.) Generally, the financial institution should apply the larger set of exemptions that apply to an account. See section 704.220(b).
3. If a judgment debtor has multiple accounts in one or more financial institutions, either the judgment creditor or judgment debtor may file an application in the superior court identified on the front of this form for an order as to which account the exemption should apply. (See section 704.220(e).) To get such an order, file an *Ex Parte Application for Order on Deposit Account Exemption* (form EJ-157) as soon as possible. (See EJ-157-INFO for instructions.) If the judgment debtor has more than one account in a financial institution, that institution may decide how and to which account to apply the exemption, unless it is served with a court order directing how to apply the exemption.

EXHIBIT 3



Legal Order Processing S4001-01E
P.O. Box 29779
Phoenix, AZ 85038

November 10, 2021

ANA KARINA MAAG
DARRELL D MAAG
5550 PARTRIDGE CT
WESTLAKE VILLAGE CA 91362-5415

Subject: Required withdrawal from your account ending in 2146
Wells Fargo case number: 61003821

Dear ANA KARINA MAAG, DARRELL D MAAG:

We want to let you know that on November 10, 2021, Wells Fargo was served with the legal order, in the amount of \$21,330,137.41, which requires us by law to deduct money from your account. As a result, we withdrew \$418.29 from your account on November 10, 2021 and charged a non-refundable processing fee of \$0.00.

| Account Number | Debit Amount | Bank Fee |
|----------------|--------------|----------|
| XXXXXX2146 | \$418.29 | \$0.00 |

If you would like more information about the legal order, please contact:

FRESNO COUNTY SHERIFF OFFICE

Case No:SC121128

If you have questions about your account, please call Wells Fargo Customer Service at (800) 344-8170, 24 hours a day, 7 days a week.

Thank you.

Sincerely,

Steve Gilbert

Operations Manager
Legal Order Processing

XM11G114 000825 314213956113 NNNNN NNNNN NNNNNN 000002 CMLTAA 001677





Legal Order Processing S4001-01E
P.O. Box 29779
Phoenix, AZ 85038

November 10, 2021

HUNTER MAAG
DARRELL D MAAG
5550 PARTRIDGE CT
WESTLAKE VILLAGE CA 91362-5415

Subject: Required withdrawal from your account ending in 6273
Wells Fargo case number: 61003821

Dear HUNTER MAAG, DARRELL D MAAG:

We want to let you know that on November 10, 2021, Wells Fargo was served with the legal order, in the amount of \$21,330,137.41, which requires us by law to deduct money from your account. As a result, we withdrew \$6,065.06 from your account on November 10, 2021 and charged a non-refundable processing fee of \$0.00.

| Account Number | Debit Amount | Bank Fee |
|----------------|--------------|----------|
| XXXXXX6273 | \$6,065.06 | \$0.00 |

If you would like more information about the legal order, please contact:

FRESNO COUNTY SHERIFF OFFICE

Case No:SC121128

If you have questions about your account, please call Wells Fargo Customer Service at (800) 344-8170, 24 hours a day, 7 days a week.

Thank you.

Sincerely,

Steve Gilbert

Operations Manager
Legal Order Processing

XMLG114 000824 314213956113 NNNNN NNNNN NNNNN 000002 CXML TTA 001675





Legal Order Processing S4001-01E
P.O. Box 29779
Phoenix, AZ 85038

November 10, 2021

DARRELL D MAAG
ANA KARINA MAAG
5550 PARTRIDGE CT
WESTLAKE VILLAGE CA 91362-5415

Subject: Important information about your account ending in 9154 (WF Case #: 61003821)

Dear DARRELL D MAAG, ANA KARINA MAAG:

Why am I receiving this notice?

On November 10, 2021, Wells Fargo Bank, N.A., received a "garnishment order" from a court or government agency to freeze or remove funds in your account. A "garnishment order" means a writ, order, notice, summons, judgment, levy, or similar written instruction issued by a court, a state agency, a municipality, or municipal corporation, or a state child support enforcement agency (referenced collectively as "creditor" in this notice), to hold or remove funds from an account. The amount of the garnishment order was for \$21,330,137.41. We are sending you this notice to let you know what we have done in response to the garnishment order.

What is garnishment?

Garnishment is a legal process that allows a creditor to remove funds from your bank account to satisfy a debt that you have not paid. In other words, if you owe money to a person or company they can obtain a court order directing your bank to take money out of your account to pay off your debt. If this happens, you cannot use that money in your account.

What has happened to my account?

On November 10, 2021, we researched your account and identified one or more federal benefit payments which were deposited in the last two months. In most cases, federal benefit payments are protected from garnishment. As required by federal regulation, we have established a "protected amount" of funds that will remain available to you and will not be frozen or removed from your account in response to the garnishment order.

In the event your account contained additional money that may not be protected from garnishment, the chart below informs you of what to expect. As required by law, we have placed a hold or removed these funds in the amount of \$3,957.29 and may have to turn over these funds to your creditor as directed by the garnishment order.

The chart below summarizes this information about your account.

ACCOUNT SUMMARY AS OF NOVEMBER 10, 2021

| Account number | Amount in account | Amount protected | Amount subject to garnishment (now frozen or removed) | Garnishment fee charged |
|----------------|-------------------|------------------|---|-------------------------|
| XXXXXX9154 | \$9,503.29 | \$5,546.00 | \$3,957.29 | \$0.00 |

Please note that these amount(s) may be affected by deposits or withdrawals after the protected amount was calculated on November 10, 2021.





Legal Order Processing S4001-01E
P.O. Box 29779
Phoenix, AZ 85038

November 10, 2021

ANA KARINA MAAG
DARRELL D MAAG
5550 PARTRIDGE CT
WESTLAKE VILLAGE CA 91362-5415

Subject: Required withdrawal from your account ending in 8562
Wells Fargo case number: 61003821

Dear ANA KARINA MAAG, DARRELL D MAAG:

We want to let you know that on November 10, 2021, Wells Fargo was served with the legal order, in the amount of \$21,330,137.41, which requires us by law to deduct money from your account. As a result, we withdrew \$64.71 from your account on November 10, 2021 and charged a non-refundable processing fee of \$0.00.

| Account Number | Debit Amount | Bank Fee |
|----------------|--------------|----------|
| XXXXXX8562 | \$64.71 | \$0.00 |

If you would like more information about the legal order, please contact:

FRESNO COUNTY SHERIFF OFFICE

Case No:SC121128

If you have questions about your account, please call Wells Fargo Customer Service at (800) 344-8170, 24 hours a day, 7 days a week.

Thank you.

Sincerely,

Steve Gilbert

Operations Manager
Legal Order Processing

XNLG114 000822 314213956113 NNNNN NNNNN NNNNN 000002 CXL TTA 001670





Legal Order Processing S4001-01E
P.O. Box 29779
Phoenix, AZ 85038

November 10, 2021

DARRELL D MAAG
5550 PARTRIDGE CT
WESTLAKE VILLAGE CA 91362-5415

Subject: Required withdrawal from your account ending in 5979
Wells Fargo case number: 61003821

Dear DARRELL D MAAG:

We want to let you know that on November 10, 2021, Wells Fargo was served with the legal order, in the amount of \$21,330,137.41, which requires us by law to deduct money from your account. As a result, we withdrew \$348.66 from your account on November 10, 2021 and charged a non-refundable processing fee of \$0.00.

| Account Number | Debit Amount | Bank Fee |
|----------------|--------------|----------|
| XXXXXX5979 | \$348.66 | \$0.00 |

If you would like more information about the legal order, please contact:

FRESNO COUNTY SHERIFF OFFICE

Case No:SC121128

If you have questions about your account, please call Wells Fargo Customer Service at (800) 344-8170, 24 hours a day, 7 days a week.

Thank you.

Sincerely,

Steve Gilbert

Operations Manager
Legal Order Processing

XNLG114 000821 314213956113 NNNNN NNNNN NNNNN 000002 CNL T1AA 001668





Legal Order Processing S4001-01E
P.O. Box 29779
Phoenix, AZ 85038

November 10, 2021

HUNTER MAAG
DARRELL D MAAG
5550 PARTRIDGE CT
WESTLAKE VILLAGE CA 91362-5415

Subject: Required withdrawal from your account ending in 6451
Wells Fargo case number: 61003821

Dear HUNTER MAAG, DARRELL D MAAG:

We want to let you know that on November 10, 2021, Wells Fargo was served with the legal order, in the amount of \$21,330,137.41, which requires us by law to deduct money from your account. As a result, we withdrew \$5,345.51 from your account on November 10, 2021 and charged a non-refundable processing fee of \$125.00.

| Account Number | Debit Amount | Bank Fee |
|----------------|--------------|----------|
| XXXXXX6451 | \$5,345.51 | \$125.00 |

If you would like more information about the legal order, please contact:

FRESNO COUNTY SHERIFF OFFICE

Case No:SC121128

If you have questions about your account, please call Wells Fargo Customer Service at (800) 344-8170, 24 hours a day, 7 days a week.

Thank you.

Sincerely,

Steve Gilbert

Operations Manager
Legal Order Processing



DECLARATION OF MONSI MORALES

I, Monsi Morales, declare as follows:

1. I am a partner with Margulies Faith LLP, the attorneys for Darrell Maag (“Maag,” or the “Debtor”). Each of the facts contained in this declaration are based upon my personal knowledge and, if called as a witness to do so, I could competently testify thereto.

2. I submit this declaration in support of the *Motion for Disallowance of Proof of Claim 7 Filed by US Bank National Association* (the “Objection”) filed by the Debtor. Capitalized terms used in this Declaration and not defined have the same meanings as stated in the Objection.

3. The Debtor commenced his voluntary bankruptcy case (the “Maag Case”) by filing a chapter 11 petition under the Bankruptcy Code on January 12, 2022 (the “Petition Date”).

4. On that same date, related debtor Southern California, LLC (“SCR”) also filed a voluntary petition for relief under chapter 11 of the Bankruptcy Code, commencing case number 9:22-10022-DS (the “SCR Case”).

5. The Bankruptcy Court authorized the joint administration of the Maag Case and the SCR Case by an Order entered on January 19, 2022.

6. On April 27, 2022, SRI filed a proof of claim in the amount of \$19,179,891.84 in the Maag Case, designated by the Bankruptcy Court as claim number 7 (the “SRI Claim”). A true and correct copy of the SRI Claim is attached hereto as Exhibit A.

7. On March 29, 2022, Maag and SCR filed the first amended complaint (the “Amended Complaint”) in the Adversary Action title *Southern California Research, LLC, and Darrell Maag v. Southwestern Research, Inc.*, Adv. Case No. 9:22-ap-01012-DS. A true and correct copy of the Amended Complaint is attached hereto as Exhibit B.

8. Attached hereto as Exhibit C is a true and correct copy of a letter received by my office from counsel for SRI, in which counsel admits that SRI received \$336.56 on

1 account of the prepetition Maag Levies and which includes copies of checks from the
2 Fresno County Sheriff's Office Civil Unit showing the amount paid.

3 I declare under penalty of perjury that the foregoing is true and correct.

4 Executed this 2nd day of September 2022 at Encino, California.

5
6 /s/ Monsi Morales
Monsi Morales
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EXHIBIT A

Fill in this information to identify the case:

| | |
|--------------------------------|--------------------------------|
| Debtor 1 | Darrell Maag |
| Debtor 2 | |
| (Spouse, if filing) | |
| United States Bankruptcy Court | Central District of California |
| Case number: | 22-10023 |

FILED
U.S. Bankruptcy Court
Central District of California
4/27/2022
Kathleen J. Campbell, Clerk

**Official Form 410
Proof of Claim**

04/22

Read the instructions before filling out this form. This form is for making a claim for payment in a bankruptcy case. Do not use this form to make a request for payment of an administrative expense. Make such a request according to 11 U.S.C. § 503.

Filers must leave out or redact information that is entitled to privacy on this form or on any attached documents. Attach redacted copies of any documents that support the claim, such as promissory notes, purchase orders, invoices, itemized statements of running accounts, contracts, judgments, mortgages, and security agreements. Do not send original documents; they may be destroyed after scanning. If the documents are not available, explain in an attachment.

A person who files a fraudulent claim could be fined up to \$500,000, imprisoned for up to 5 years, or both. 18 U.S.C. §§ 152, 157, and 3571.

Fill in all the information about the claim as of the date the case was filed. That date is on the notice of bankruptcy (Form 309) that you received.

Part 1: Identify the Claim

| | | |
|--|--|---|
| 1. Who is the current creditor? | Southwestern Research, Inc. | |
| | Name of the current creditor (the person or entity to be paid for this claim) | |
| | Other names the creditor used with the debtor | |
| 2. Has this claim been acquired from someone else? | <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes. From whom? | |
| 3. Where should notices and payments to the creditor be sent? Federal Rule of Bankruptcy Procedure (FRBP) 2002(g) | Where should notices to the creditor be sent? | Where should payments to the creditor be sent? (if different) |
| | Southwestern Research, Inc. | |
| | Name | Name |
| | c/o Donald L. Cornwell Law Offices of Donal L. Cornwell 11766 Wilshire Boulevard, Suite 700 Los Angeles, CA 90025 | |
| | Contact phone 310-477-3111 | Contact phone |
| | Contact email don@doncornwell.com | Contact email |
| | Uniform claim identifier for electronic payments in chapter 13 (if you use one): | |
| 4. Does this claim amend one already filed? | <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes. Claim number on court claims registry (if known) Filed on MM / DD / YYYY | |
| 5. Do you know if anyone else has filed a proof of claim for this claim? | <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes. Who made the earlier filing? | |

| | | | | | | | | | | | |
|---|---|---------------------------|---------------|---|---------------|---|--|---|----------------|---|------|
| 6. Do you have any number you use to identify the debtor? | <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes. Last 4 digits of the debtor's account or any number you use to identify the debtor: _____ | | | | | | | | | | |
| 7. How much is the claim? | \$ 19179891.84 Does this amount include interest or other charges? <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes. Attach statement itemizing interest, fees, expenses, or other charges required by Bankruptcy Rule 3001(c)(2)(A). | | | | | | | | | | |
| 8. What is the basis of the claim? | Examples: Goods sold, money loaned, lease, services performed, personal injury or wrongful death, or credit card. Attach redacted copies of any documents supporting the claim required by Bankruptcy Rule 3001(c). Limit disclosing information that is entitled to privacy, such as healthcare information. October 20, 2021 judgment (Exhibit 2) | | | | | | | | | | |
| 9. Is all or part of the claim secured? | <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes. The claim is secured by a lien on property. Nature of property: <input checked="" type="checkbox"/> Real estate. If the claim is secured by the debtor's principal residence, file a <i>Mortgage Proof of Claim Attachment</i> (Official Form 410-A) with this <i>Proof of Claim</i> . <input type="checkbox"/> Motor vehicle <input checked="" type="checkbox"/> Other. Describe: Judgment lien on personal property Basis for perfection: Exhibits 2-8 Attach redacted copies of documents, if any, that show evidence of perfection of a security interest (for example, a mortgage, lien, certificate of title, financing statement, or other document that shows the lien has been filed or recorded.) <table style="width: 100%;"> <tr> <td style="width: 50%;">Value of property:</td> <td style="width: 50%;">\$ 6854890.96</td> </tr> <tr> <td>Amount of the claim that is secured:</td> <td>\$ 6854890.96</td> </tr> <tr> <td>Amount of the claim that is unsecured:</td> <td>\$ 12325000.88 (The sum of the secured and unsecured amounts should match the amount in line 7.)</td> </tr> </table> <table style="width: 100%;"> <tr> <td style="width: 60%;">Amount necessary to cure any default as of the date of the petition:</td> <td style="width: 40%;">\$ 19179891.84</td> </tr> </table> <table style="width: 100%;"> <tr> <td style="width: 60%;">Annual Interest Rate (when case was filed)</td> <td style="width: 40%;">10 %</td> </tr> </table> <input checked="" type="checkbox"/> Fixed <input type="checkbox"/> Variable | Value of property: | \$ 6854890.96 | Amount of the claim that is secured: | \$ 6854890.96 | Amount of the claim that is unsecured: | \$ 12325000.88 (The sum of the secured and unsecured amounts should match the amount in line 7.) | Amount necessary to cure any default as of the date of the petition: | \$ 19179891.84 | Annual Interest Rate (when case was filed) | 10 % |
| Value of property: | \$ 6854890.96 | | | | | | | | | | |
| Amount of the claim that is secured: | \$ 6854890.96 | | | | | | | | | | |
| Amount of the claim that is unsecured: | \$ 12325000.88 (The sum of the secured and unsecured amounts should match the amount in line 7.) | | | | | | | | | | |
| Amount necessary to cure any default as of the date of the petition: | \$ 19179891.84 | | | | | | | | | | |
| Annual Interest Rate (when case was filed) | 10 % | | | | | | | | | | |
| 10. Is this claim based on a lease? | <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes. Amount necessary to cure any default as of the date of the petition. \$ _____ | | | | | | | | | | |
| 11. Is this claim subject to a right of setoff? | <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes. Identify the property: _____ | | | | | | | | | | |

| | | | |
|---|--|--|------------------------------------|
| 12. Is all or part of the claim entitled to priority under 11 U.S.C. § 507(a)? | <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes. <i>Check all that apply.</i> | <p>A claim may be partly priority and partly nonpriority. For example, in some categories, the law limits the amount entitled to priority.</p> <p><input type="checkbox"/> Domestic support obligations (including alimony and child support) under 11 U.S.C. § 507(a)(1)(A) or (a)(1)(B). \$ _____</p> <p><input type="checkbox"/> Up to \$3,350 * of deposits toward purchase, lease, or rental of property or services for personal, family, or household use. 11 U.S.C. § 507(a)(7). \$ _____</p> <p><input type="checkbox"/> Wages, salaries, or commissions (up to \$15,150 *) earned within 180 days before the bankruptcy petition is filed or the debtor's business ends, whichever is earlier. 11 U.S.C. § 507(a)(4). \$ _____</p> <p><input type="checkbox"/> Taxes or penalties owed to governmental units. 11 U.S.C. § 507(a)(8). \$ _____</p> <p><input type="checkbox"/> Contributions to an employee benefit plan. 11 U.S.C. § 507(a)(5). \$ _____</p> <p><input type="checkbox"/> Other. Specify subsection of 11 U.S.C. § 507(a)() that applies \$ _____</p> <p style="font-size: small;">* Amounts are subject to adjustment on 4/01/25 and every 3 years after that for cases begun on or after the date of adjustment.</p> | Amount entitled to priority |
|---|--|--|------------------------------------|

Part 3: Sign Below

| | | | | | | | | | | | | | | | | | | | |
|--|--|------|-----------------|--|--|-------|----------------|---------|------------------|---------|---|--|--|--|-------------------------------|---------------|--------------|--|--|
| <p>The person completing this proof of claim must sign and date it. FRBP 9011(b).</p> <p>If you file this claim electronically, FRBP 5005(a)(2) authorizes courts to establish local rules specifying what a signature is.</p> <p>A person who files a fraudulent claim could be fined up to \$500,000, imprisoned for up to 5 years, or both. 18 U.S.C. §§ 152, 157 and 3571.</p> | <p>Check the appropriate box:</p> <p><input type="checkbox"/> I am the creditor.</p> <p><input checked="" type="checkbox"/> I am the creditor's attorney or authorized agent.</p> <p><input type="checkbox"/> I am the trustee, or the debtor, or their authorized agent. Bankruptcy Rule 3004.</p> <p><input type="checkbox"/> I am a guarantor, surety, endorser, or other codebtor. Bankruptcy Rule 3005.</p> <p>I understand that an authorized signature on this Proof of Claim serves as an acknowledgment that when calculating the amount of the claim, the creditor gave the debtor credit for any payments received toward the debt.</p> <p>I have examined the information in this Proof of Claim and have a reasonable belief that the information is true and correct.</p> <p>I declare under penalty of perjury that the foregoing is true and correct.</p> <p>Executed on date <u>4/27/2022</u></p> <p style="text-align: center;">MM / DD / YYYY</p> <p><u>/s/ J. Scott Bovitz</u></p> <p>Signature</p> <p>Print the name of the person who is completing and signing this claim:</p> <table style="width: 100%;"> <tr> <td style="width: 50%;">Name</td> <td>J. Scott Bovitz</td> </tr> <tr> <td></td> <td>First name Middle name Last name</td> </tr> <tr> <td>Title</td> <td>Senior partner</td> </tr> <tr> <td>Company</td> <td>Bovitz & Spitzer</td> </tr> <tr> <td>Address</td> <td>Identify the corporate servicer as the company if the authorized agent is a servicer 1100 Wilshire Boulevard, Suite 2403</td> </tr> <tr> <td></td> <td>Number Street Los Angeles, CA 90017-1961</td> </tr> <tr> <td></td> <td>City State ZIP Code</td> </tr> <tr> <td>Contact phone</td> <td>213-346-8300</td> </tr> <tr> <td></td> <td>Email <u>bovitz@bovitz-spitzer.com</u></td> </tr> </table> | Name | J. Scott Bovitz | | First name Middle name Last name | Title | Senior partner | Company | Bovitz & Spitzer | Address | Identify the corporate servicer as the company if the authorized agent is a servicer 1100 Wilshire Boulevard, Suite 2403 | | Number Street Los Angeles, CA 90017-1961 | | City State ZIP Code | Contact phone | 213-346-8300 | | Email <u>bovitz@bovitz-spitzer.com</u> |
| Name | J. Scott Bovitz | | | | | | | | | | | | | | | | | | |
| | First name Middle name Last name | | | | | | | | | | | | | | | | | | |
| Title | Senior partner | | | | | | | | | | | | | | | | | | |
| Company | Bovitz & Spitzer | | | | | | | | | | | | | | | | | | |
| Address | Identify the corporate servicer as the company if the authorized agent is a servicer 1100 Wilshire Boulevard, Suite 2403 | | | | | | | | | | | | | | | | | | |
| | Number Street Los Angeles, CA 90017-1961 | | | | | | | | | | | | | | | | | | |
| | City State ZIP Code | | | | | | | | | | | | | | | | | | |
| Contact phone | 213-346-8300 | | | | | | | | | | | | | | | | | | |
| | Email <u>bovitz@bovitz-spitzer.com</u> | | | | | | | | | | | | | | | | | | |

Exhibit 1

Judgment Against Darrell Maag

(with offset calculations for John Murphy settlement)

JUDGMENT DEBT - Darrell Maag

| | | | | |
|---|------------------|--------------|-----------------|------------------------|
| Compensatory Damages plus interest through July 12, 2021: | | | | \$22,537,024.42 |
| | <u>Daily Amt</u> | <u>Start</u> | <u>Judgment</u> | |
| Daily Interest through date of Judgment at 7% simple | \$2,911.91 | 7/12/2021 | 10/20/2021 | \$291,191.00 |
| Punitive Damages | | | | \$300,000.00 |
| Costs: | | | | \$181,144.72 |
| Gross Amt before offset for Schreiber/Maxwell Settlements | | | | <u>\$23,309,360.14</u> |
| Less: Offset for monies received via settlements | | | | -\$2,031,780.00 |
| TOTAL DUE ON ENTRY OF JUDGMENT (10/20/2021) | | | | \$21,277,580.14 |
| Daily post-judgment interest (10% simple) | | | | \$5,829.47 |
| Accumulated Interest due on judgment | | Amount as of | 1/11/2022 | <u>\$483,846.34</u> |
| Unpaid judgment amount plus interest | | Amount as of | 1/11/2022 | \$21,761,426.48 |

MURPHY SETTLEMENT OFFSET CALCULATIONS:

Murphy Judgment

| | | | | |
|--|------------------|--------------|-----------------|------------------------|
| Compensatory Damages plus interest through July 12, 2021: | | | | \$22,605,109.35 |
| | <u>Daily Amt</u> | <u>Start</u> | <u>Judgment</u> | |
| Daily Interest through date of Judgment at 7% simple | \$2,921.50 | 7/12/2021 | 10/20/2021 | \$292,150.00 |
| Punitive Damages | | | | \$500,000.00 |
| Costs: | | | | \$181,144.72 |
| Gross Amount before offset for Schreiber/Maxwell Settlements | | | | <u>\$23,578,404.07</u> |
| Less: Offset for monies received via settlements | | | | -\$2,031,780.00 |
| TOTAL DUE ON ENTRY OF JUDGMENT (10/20/2021) | | | | \$21,546,624.07 |
| Daily post-judgment interest (10% simple) | | | | \$5,903.18 |
| Accumulated Interest due on judgment | | Amount as of | 3/9/2022 | \$826,445.85 |

through date of receipt of settlement payment

Unpaid judgment amount plus interest Amount as of 3/9/2022 **\$22,373,069.92**

APPLICATION OF \$3,500,000 SETTLEMENT PAYMENT FROM DR. MURPHY:

Settlement Payment per Settlement Agreement \$3,500,000.00

(1) First, to Unique Damages payable by Murphy plus prejudgment interest thereon per judgment:

Damages from April 2016 shareholder distribution of \$50K \$50,000.00

plus prejudgment interest through July 12, 2021 (Judgment p. 4) \$18,084.93

plus prejudgment interest July 13, 2021 through Oct. 20, 2021 (Judgment p. 4):

| | Daily Amt | Start | Judgment | |
|--|-----------|-----------|------------|--------------------|
| Daily Interest through Judgment at 7% simple | \$9.59 | 7/12/2021 | 10/20/2021 | \$959.00 |
| Subtotal | | | | \$69,043.93 |

Punitive Damages payable by Dr. Murphy \$500,000.00

Total of Damages Unique to Murphy plus prejudgment interest= **\$569,043.93**

(2) Second, to Post-Judgment Interest on Damages Unique to Murphy

Daily post-judgment interest (10% simple) on \$569,043.93 **\$155.90**

Accumulated post-judgment interest on damages unique to Murphy through date of receipt of Murphy settlement payment 3/9/2022 **\$21,826.34**

(Murphy Unique Damages plus Interest thereon) thru 3/9/22 **\$590,870.27**

(3) Third, to Interest Differential Payable Solely by Dr. Murphy, but not by Maag/SCR due to Maag/SCR Bankruptcy Filings on Jan 12, 2022

Total post-judgment interest payable by Dr. Murphy thru 3/9/2022 \$826,445.85

Less amount of post-judgment interest related to damages unique to Murphy **-\$21,826.34**

Total post-judgment interest payable by Murphy on joint and several liability damages \$804,619.51

Maag: Post-judgment Interest on joint and several liability items (i.e. excluding punitive damages)

Compensatory damages plus pre-judgment interest \$22,828,215.42

Costs \$181,144.72

Offset for monies rec'd from Schreiber/Maxwell **-\$2,031,780.00**

Subtotal \$20,977,580.14

Daily post-judgment interest (10% simple) on above subtotal: **\$5,747.28**

Accumulated post-judgment interest due from Maag on compensatory damages and costs (i.e. excl punitive damages) thru 1/11/2022 by virtue of bankruptcy \$477,024.43

Unique interest payable by Dr. Murphy on joint and several amounts= **\$327,595.09**

(due to additional two months of interest due as to Dr. Murphy)

Portions of Murphy settlement payment not attributable to Maag judgment as an offset: **\$918,465.36**

Portion of Murphy Settlement Payment which is an offset against Maag Judgment
NET JUDGMENT AGAINST MAAG AFTER MURPHY SETTLEMENT CREDIT:

\$2,581,534.64

\$19,179,891.84

Exhibit 2

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Attorney for Plaintiffs
LOIS FRIEDMAN and JARED STEIN

DIANA FRIEDLAND (SBN 258189)
BERNSTEIN & FRIEDLAND, P.C.
16000 Ventura Boulevard, Suite 1000
Encino, California 91436
(818) 817-7570

Attorneys for Defendant and Cross-Complainant
SOUTHWESTERN RESEARCH, INC.

SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF LOS ANGELES

LOIS FRIEDMAN, TRUSTEE of THE DENNIS
MUNJACK INTER VIVOS TRUST, *et al*,

Plaintiffs,

v.

JOHN MURPHY, M.D., an individual; *et al*,

Defendants.

DARRELL MAAG, an individual,

Plaintiff,

vs.

SOUTHWESTERN RESEARCH, INC., a
California Corporation, and DOES 1-50, inclusive,

Defendants.

CASE NO. SC121128

(Consolidated with Maag v. Southwestern
Research, Inc., Case No. BC607027)

Hon. Huey Cotton – Dept A Van Nuys

~~Proposed~~ COURT JUDGMENT BY DEFAULT
AND STIPULATION FOR ENTRY OF
JUDGMENT ON THE FIRST AND SECOND
CAUSES OF ACTION

1 Plaintiffs Lois Friedman and Jared Stein filed the Complaint in Friedman v. Murphy, et al, which
2 principally asserted shareholder derivative claims on behalf of Defendant and Real Party in Interest
3 Southwestern Research, Inc. (“SRI”), on August 6, 2013. Each defendant was properly served with a
4 copy of the summons and complaint and appeared in the action. Plaintiffs’ currently operative complaint,
5 the Fifth Amended Complaint, was filed on July 19, 2019. Each defendant was properly served with a
6 copy the Fifth Amended Complaint and filed an answer to the same.

7 Defendant Darrell Maag filed a separate action, entitled Darrell Maag v. Southwestern Research,
8 Inc., on January 15, 2016. SRI, the sole defendant in that action, was properly served with the summons
9 and complaint and filed an answer to the Complaint and a Cross-complaint against Darrell Maag on
10 May 20, 2016. Darrell Maag filed an answer to the Cross-complaint on June 24, 2016.

11 The two actions were deemed related cases by Order entered on January 19, 2017 and were fully
12 consolidated for all purposes by Order of the Court dated August 4, 2017.

13 On August 6, 2020 the Court entered a Minute Order affirming the Report and Recommendation
14 of the Discovery Referee (the Hon. Patricia Collins Ret.) to grant Plaintiffs’ Motion for the Imposition of
15 Terminating Sanctions against Defendant John Murphy, M.D. Pursuant to the findings contained in that
16 Minute Order, on September 10, 2020 the Court entered an Order striking Defendant Murphy’s Answer
17 to the Fifth Amended Complaint dated August 22, 2019 and directed the clerk to enter Defendant
18 Murphy’s default.

19 On February 23, 2021, the Court entered a Minute Order granting Plaintiff Lois Friedman’s
20 Motion for Terminating Sanctions against Defendants Darrell Maag and Southern California Research,
21 LLC in Friedman v. Murphy and against Plaintiff and Cross-Defendant Darrell Maag in Maag v.
22 Southwestern Research, Inc., in which motion Defendant and Cross-Complainant Southwestern
23 Research, Inc. joined. By Order entered March 8, 2021, pursuant to the findings contained in the Court’s
24 Minute Order dated February 23, 2021, the Answer to the Fifth Amended Complaint in Friedman v.
25 Murphy, which was filed by Defendants Darrell Maag and Southern California Research, LLC on
26 December 17, 2019, was ordered stricken from the record, and the clerk was directed to enter the defaults
27 of Defendants Maag and Southern California Research, LLC in Friedman v. Murphy. Similarly, pursuant
28 to the findings contained in the Court’s Minute Order dated February 23, 2021, the Complaint filed by

Plaintiff Darrell Maag in Maag v. Southwestern Research, Inc., which was filed on January 15, 2016, was ordered dismissed based upon the terminating sanctions imposed by the Court. Pursuant to the same Minute Order, the answer of Cross-Defendant Darrell Maag dated June 24, 2016 to the Cross-Complaint filed by Southwestern Research, Inc. in Maag v. Southwestern Research, Inc. was ordered stricken from the record and the clerk was directed to enter the default of Cross-Defendant Darrell Maag on the Cross-Complaint in Maag v. Southwestern Research, Inc.

By Minute Order dated February 23, 2021, Plaintiff Lois Friedman's thirteenth cause of action for Civil Theft/Receiving or Concealment of Stolen Property (Penal Code § 496) was dismissed with prejudice by the Court. On October 7, 2021 Plaintiff Lois Friedman dismissed with prejudice her twelfth cause of action against Defendant John Murphy for Equitable Accounting.

Defendants Maxwell & Company CPAs, Inc., William Maxwell, Edwin C. Schreiber, Schreiber & Schreiber, Inc., who were alleged in Plaintiffs' Fifth Amended Complaint to be jointly and severally liable to SRI along with the other defendants, have entered into settlements with Plaintiffs and SRI, which were approved by the Court's Order entered May 12, 2021. The settling defendants collectively paid the sum of \$2,031,780.00 to SRI with respect to the shareholder derivative claims and subsequently have been dismissed from the case with prejudice.

Entry Of Default Judgment Against the Remaining Defendants

PURSUANT TO CODE OF CIVIL PROCEDURE § 585(B), the Court has considered the shareholder derivative allegations of the Fifth Amended Complaint in Friedman v. Murphy (the third through fifteenth causes of action) and the Cross-complaint in Maag v. Southwestern Research, Inc., which are deemed admitted and established as to each defaulted defendant or cross-defendant, the issue sanctions imposed against Defendants Darrell Maag and Southern California Research LLC pursuant to the Court's Order dated November 14, 2019, the written declarations and exhibits submitted by Plaintiff Lois Friedman and Cross-complainant SRI pursuant to Code of Civil Procedure § 585(d), as well as the testimony and other evidence provided to this Court in connection with the default prove-up proceeding against Defendants John Murphy, M.D., Darrell Maag and Southern California Research, LLC. Based upon the admissions of each defendant, the issue sanctions previously imposed, and the evidence submitted to the Court, it is **HERBY ORDERED, ADJUDGED AND DECREED** that judgment is

entered in favor of the real party in interest Southwestern Research, Inc (“SRI”) and shareholder derivative Plaintiff Lois Friedman, and against Defendants John Murphy, M.D. (“Murphy”), Darrell Maag (“Maag”), and Southern California Research, LLC, a California limited liability company (“SCR”) as follows:

1. Compensatory Damages Against John Murphy, Darrell Maag And SCR, Jointly And Severally (Or Alternatively, Restitution And Disgorgement Awards Jointly and Severally):

A. Compensatory Damages.

With respect to the causes of action for damages asserted against Defendants Murphy, Maag and SCR in Friedman v. Murphy and against Cross-Defendant Maag in Maag v. Southwestern Research, Inc., Murphy, Maag and SCR shall jointly and severally pay as damages to SRI the aggregate amount of \$9,422,654.73, which represents SRI’s lost profit damages from 2013 through 2016 and SRI’s damages from the lost sale value of SRI as a going concern, plus \$3,326,723.78 in prejudgment interest at the rate of 7% (simple interest) per annum through July 12, 2021, and \$1,807.08 per day in daily interest after July 12, 2021 though the date of judgment.

In addition, Murphy and Maag shall jointly and severally pay as damages to SRI the additional amount of \$5,688,235.76 representing SRI’s damages related to the unauthorized compensation and payments received by Murphy and Maag between 2008 and 2015, plus \$4,099,410.15 in prejudgment interest thereon at the rate of 7% (simple interest) per annum through July 12, 2021, and \$1,104.83 per day in daily interest after July 12, 2021 though the date of judgment.

In addition to the above damages for which the listed defendants are jointly and severally liable, Defendant Murphy shall separately pay to SRI the sum of \$50,000 in damages with respect to the shareholder distribution made to Dr. Murphy during April 2016 based upon the false representations he made to the Board of Directors and his failure to return the distribution after it was rescinded by the Board of Directors, plus \$18,084.93 in prejudgment interest thereon at the rate of 7% (simple interest) per annum through July 12, 2021, and \$9.59 per day in daily interest after July 12, 2021 though the date of judgment, plus punitive damages and costs as hereinafter specified.

Each Defendant’s total liability is reduced by \$2,031,780.00 representing the aggregate amount of settlement payments received by SRI from the settling defendants.

1 B. Restitution/Disgorgement.

2 With respect to the ninth cause of action for unfair competition in Friedman v. Murphy, and the
3 third cause of action for unfair competition against Cross-Defendant Maag in Maag v. Southwestern
4 Research, Inc., Defendants Murphy and Maag shall jointly and severally pay restitution or disgorgement
5 to SRI in the sum of \$5,688,235.76, representing the unauthorized compensation and payments received
6 by Murphy and Maag from SRI between 2008 and 2015, plus \$4,099,410.15 in prejudgment interest
7 thereon at the rate of 7% (simple interest) per annum through July 12, 2021, and \$1,104.83 per day in
8 daily interest after July 12, 2021 though the date of judgment.

9 In addition, Defendant Murphy shall separately pay to SRI the sum of \$50,000 in restitution and
10 disgorgement with respect to the shareholder distribution made to Dr. Murphy during April 2016 based
11 upon the false representations he made to the Board of Directors and his failure to return the distribution
12 after it was rescinded by the Board of Directors, plus \$18,084.93 in prejudgment interest thereon at the
13 rate of 7% (simple interest) per annum through July 12, 2021, and \$9.59 per day in daily interest after
14 July 12, 2021 though the date of judgment.

15 These awards of restitution do not increase the total monetary award against Defendants Murphy,
16 Maag and SCR described in subparagraph 1(A) and are an alternative measure of recovery to the
17 damages specified in subparagraph 1(A) above).

18 2. Compensatory Damage Totals as to Each Defendant

19 In light of the findings of joint and several liability stated in paragraph one above, the individual
20 liabilities of Defendants Murphy, Maag and SCR for compensatory damages are as follows:

21 A. Defendant John Murphy, M.D.

22 Defendant John Murphy, M.D. shall pay to SRI as damages the sum of \$22,605,109.35, including
23 prejudgment interest at the rate of 7% (simple interest) per annum through July 12, 2021, and \$2,921.50
24 per day in daily interest after July 12, 2021 though the date of judgment, together with punitive damages
25 and costs as hereafter specified. The total amount to be paid to SRI as of the date of Judgment shall be
26 reduced by \$2,031,780.00 representing the aggregate amount of settlement payments received by SRI
27 from the settling defendants.

28 B. Defendant and Cross-Defendant Darrell Maag

1 Defendant Darrell Maag shall pay to SRI as damages the sum of \$22,537,024.42, including
2 prejudgment interest at the rate of 7% (simple interest) per annum through July 12, 2021, and \$2,911.91
3 per day in daily interest after July 12, 2021 though the date of judgment, together with punitive damages
4 and costs as hereafter specified. The total amount to be paid to SRI as of the date of Judgment shall be
5 reduced by \$2,031,780.00 representing the aggregate amount of settlement payments received by SRI
6 from the settling defendants.

7 C. Defendant Southern California Research, LLC

8 Defendant SCR is ordered to pay to SRI as damages the sum of \$12,749,378.50, including
9 prejudgment interest at the rate of 7% (simple interest) per annum through July 12, 2021, and \$1,807.08
10 per day in daily interest after July 12, 2021 though the date of judgment, together with punitive damages
11 and costs as hereafter specified. The total amount to be paid to SRI as of the date of Judgment shall be
12 reduced by \$2,031,780.00 representing the aggregate amount of settlement payments received by SRI
13 from the settling defendants.

14 3. Damages in Connection with Negligence Claims.

15 The damages set forth in Paragraphs 1 and 2 above include claims based upon both negligent and
16 intentional conduct. The damages awarded for negligent conduct by Defendants Murphy, Maag and
17 SCR, which are included in paragraphs 1 and 2 above, are as follows:

- 18 A. With respect to the third cause of action for negligence asserted against Defendants Maag
19 and SCR in Friedman v. Murphy, and the first cause of action for negligence against
20 Cross-Defendant Maag in Maag v. Southwestern Research, Inc., Defendants Maag and
21 SCR are ordered to jointly and severally pay as damages to SRI the aggregate amount of
22 \$9,422,654.73, representing SRI's lost profit damages from 2013 through 2016 and SRI's
23 damages from the lost sale value of SRI as a going concern, plus \$3,326,723.78 in
24 prejudgment interest at the rate of 7% (simple interest) per annum through July 12, 2021,
25 and \$2,921.50 per day in daily interest after July 12, 2021 though the date of judgment.
- 26 B. With respect to the fourth cause of action for negligent and intentional breach of fiduciary
27 duty asserted against Defendants Murphy and Maag in Friedman v. Murphy and the
28 second cause of action for negligent and intentional breach of fiduciary duty asserted

1 against Cross-Defendant Maag in Maag v. Southwestern Research, Inc., Murphy and
2 Maag are ordered to jointly and severally pay as damages to SRI the aggregate amount of
3 \$15,110,890.49, plus \$7,426,133.93 in prejudgment interest at the rate of 7% (simple
4 interest) per annum through July 12, 2021, and \$2,921.50 per day in daily interest after
5 July 12, 2021 through the date of judgment.

6 4. Punitive Damages

7 Plaintiff Lois Friedman and Cross-Complainant SRI have established by clear and convincing
8 evidence that Defendants and Cross-Defendants Murphy, Maag and SCR have been guilty of oppression,
9 fraud or malice toward SRI and SRI's shareholder derivative plaintiff, The Dennis Munjack Inter Vivos
10 Trust ("the Trust"). By virtue thereof, and the findings made on the record on October 5, 2021, punitive
11 or exemplary damages are imposed in favor of SRI and against the defendants in the following amounts:

12 Punitive Damages against John Murphy, M.D. in the amount of \$500,000

13 Punitive Damages against Darrell Maag in the amount of \$300,000

14 Punitive Damages against Southern California Research, LLC in the amount of \$44,000

15 5. Costs

16 Defendants Murphy, Maag and SCR shall jointly and severally pay costs to SRI (including both
17 the costs incurred by SRI directly and the costs incurred by shareholder derivative plaintiff Lois
18 Friedman in Friedman v. Murphy) in the aggregate amount of \$181,144.72.

19 6. Principal Amount of Judgment In Favor of SRI And Against Each Defaulted Defendant

20 Based upon the foregoing, including the reduction in the amount of the judgment by
21 \$2,031,780.00 resulting from the previous settlements received by SRI, judgment is entered favor of
22 Southwestern Research, Inc. and against each of the defaulted defendants, as follows:

23 John Murphy, M.D.: \$ 21,546,624.07

24 Darrell Maag: \$ 21,277,580.14

25 Southern California Research, LLC: \$ 11,123,451.22

26 7. Judgment for Unpaid Sanctions Payable to the Dennis Munjack Inter Vivos Trust

27 The Court, by Order entered March 29, 2021, awarded monetary sanctions to be paid to the Trust
28 in the amount of \$4,200 jointly and severally against Defendants Maag and SCR. The sanctions were

ordered payable at the end of the case. Thus, in addition to the judgment amounts payable to SRI, the Court awards the sanctions amount of \$4,200.00 as damages in favor of the Trust jointly and severally against Defendants Darrell Maag and Southern California Research, Inc.

8. Post-Judgment Interest

Pursuant to C.C.P. § 685.010, the unpaid principal amounts of the judgment against each defendant set forth above shall bear interest at the rate of 10 percent (10%) per annum until the judgment is fully satisfied.

9. Constructive Trust/Equitable Lien on Property Purchased with Converted Funds

During the second phase of the default prove-up proceedings, Plaintiff Friedman and SRI presented clear and convincing evidence that Dr. Murphy and Mr. Maag each knowingly used a substantial amount of funds which they had unlawfully converted from SRI in order to purchase real property for themselves and their spouses or related business entities and, by virtue thereof, SRI has a constructive trust or equitable lien upon such real property purchased by Defendants Murphy and Maag as follows:

A. 1300 SE Macarthur Boulevard, Stuart FL 34996

On March 31, 2010, John Murphy and his wife, Kimberly Murphy, while domiciled in California, purchased a residential property located at 1300 SE Macarthur Boulevard, Stuart FL 34996. The legal description of that property is:

Lots 58 & 59, YACHT CLUB BEACH, according to the plat thereof as recorded in Plat Book 5, Page 42, public records of Palm Beach (Now Martin) County, Florida; less and excepting that portion of Lots 58 & 59 lying East of the physical centerline of Macarthur Blvd, and less and excepting the right of way for said Macarthur Blvd.

Dr. Murphy paid \$1,455,000 for the home and the artwork and personal property sold with the home and related closing costs. Dr. Murphy made a down payment of \$705,000 and obtained a mortgage from Wells Fargo Bank of \$750,000 on March 31, 2010 (which loan was obtained solely in Dr. Murphy's own name and the mortgage deed of trust was executed solely by John Murphy). Dr. Murphy refinanced the original mortgage loan in December of 2011 and the new mortgage (which was once again obtained solely under Dr. Murphy's name and signature) was fully paid off on or about December 19, 2014.

The evidence presented to the Court established that Dr. Murphy spent \$1,635,936.81 to purchase

the property and to pay the mortgage interest and property taxes thereon between March 31, 2010 and December 19, 2014. Dr. Murphy's prior testimony in this lawsuit establishes that his sole source of income between 1994 and mid-2016 was his employment at SRI. His Statement of Net Worth dated February 1, 2010 and the Wells Fargo loan application dated March 31, 2010, which was sworn under the penalty of the False Statements Act, establish that Dr. Murphy and his wife had no other assets from which to purchase the property and pay off the mortgage debt and property taxes. The evidence presented to the Court established that 74% of the net after-tax cash available to Dr. Murphy in the March 31, 2010 to December 19, 2014 time period was from funds which he converted from SRI. The Court finds that Dr. Murphy obtained 74% of the \$1,635,936.81 in funds that he utilized to purchase the home and pay the mortgage interest and property taxes through December 19, 2014 from funds that he unlawfully converted from SRI.

By virtue thereof, the Court finds that SRI has a constructive trust or equitable lien upon the Macarthur property, effective as of March 31, 2010, in an amount equal to, or representing, seventy-four percent (74%) of the ownership equity in the property.

B. 216 SE Osceola Street, Stuart FL 34994

On or about October 15, 2019 Dr. Murphy obtained a new \$400,000 mortgage on the Macarthur property. According to the September 2019 and September 2020 communications from Dr. Murphy to his accountant introduced into evidence, Dr. Murphy admitted that he obtained the \$400,000 mortgage on the Macarthur residence and used the proceeds thereof to purchase (for cash), and later to make structural improvements upon, a residential property in a mixed use area located at 216 SE Osceola Street in Stuart Florida, to be utilized as Defendant Murphy's medical office. The legal description of that property is as follows:

Lots 10 and 11, AMENDED PLAT OF EAST END SUBDIVISION, according to the plat thereof, as recorded in Plat Book 5, page 33, of the Public Records of Palm Beach now Martin County, Florida, Less and except the North 10 feet thereof, for road purposes. Subject to taxes for 2019 and subsequent years; covenants, conditions, restrictions, easements, reservations and limitations of record, if any.

Dr. Murphy caused the title to the 216 SE Osceola property to be taken in the name of LGDD, LLC, an entity which operates Dr. Murphy's medical practice and which is 100% owned by Dr. Murphy according to his sworn statements provided to the IRS in 2019 and in his 2017 and 2018 tax returns.

1 By virtue thereof, the Court finds that SRI has a constructive trust or equitable lien upon the 216
2 SE Osceola property, which dates back to the date of purchase of the Osceola property, by virtue of the
3 use of traceable proceeds from the Macarthur property to purchase the Osceola property, in an amount
4 equal to, or representing, seventy-four percent (74%) of the ownership equity in the 216 SE Osceola
5 property.

6 C. 5550 Partridge Court, Westlake Village, CA 91362

7 On May 10, 2011, Darrell Maag and his wife Ana K Maag, while domiciled in California,
8 purchased a second residential property in Ventura County California located at 5550 Partridge Court,
9 Westlake Village 91362. The legal description of the property is as follows:

10 Lot 37 of Tract No. 4188-02 as per Map recorded in Book 111, Pages 86 to 91 inclusive of
11 Maps, in the Office of the County Recorder of Ventura County, California. Also Known
as: 5550 Partridge Court, Westlake Village, CA 91362 AP#: 689-0-402-185.

12 The Westlake Village property was purchased for \$1,150,000. Defendant Maag and his wife did
13 not sell their existing residence in Oak Park, which was fully paid for, in order to purchase the Westlake
14 Village property. Defendant Maag made a \$950,000 cash down payment on the property and Mr. Maag
15 and his wife obtained a \$200,000 mortgage from Wells Fargo Bank for the balance of the purchase price.
16 That mortgage was paid in the required monthly amounts through September of 2012 and then was paid
17 off in one lump sum payment on October 17, 2012.

18 The evidence presented to the Court established that Defendant Maag spent \$1,190,324.59 to
19 purchase the property and to pay the mortgage interest and property taxes thereon between May 10, 2011
20 and October 17, 2012. Mr. Maag's prior testimony in this lawsuit establishes that his sole source of
21 income at all material times before December 31, 2015 was his employment at SRI. Mr. Maag's loan
22 application dated May 9, 2011, sworn under the penalty of the False Statements Act, showed that other
23 than the existing residence in Oak Park, which Defendant Maag and his wife elected not to sell and have
24 retained ownership thereof, and the bank and investment accounts listed as the source for the down
25 payment, Mr. Maag and his wife had no other assets from which to purchase the Westlake Village
26 property.

27 The evidence presented established that 50% of the net after tax cash available to Mr. Maag and
28 his wife during the May 10, 2011 through October 17, 2012 time period was from funds which Maag

1 unlawfully converted from SRI. The Court finds that Defendant Maag obtained 50% of the
2 \$1,190,324.59 in funds utilized to purchase the home and pay the mortgage interest and property taxes
3 between May 10, 2011 and October 17, 2012 from funds that Maag unlawfully converted from SRI.

4 By virtue thereof, the Court finds that SRI has a constructive trust or equitable lien upon the 5550
5 Partridge Court, Westlake Village property, effective as of May 10, 2011, in an amount equal to, or
6 representing, fifty percent (50%) of the ownership equity in the property.

7 10. Other Equitable Relief.

8 A shareholder derivative lawsuit is an action in equity. Nessbit v. Superior Court, 214 Cal. 1, 8
9 (1931); Nelson v. Anderson, 72 Cal.App.4th 111, 127 (1999). A court hearing a shareholder derivative
10 lawsuit must “ ‘make a proper adjustment of the “rights, equities, and interests” of all the parties
11 involved.’ [Citation.]” C & K Engineering Contractors v. Amber Steel Co., 23 Cal.3d 1, 11 (1978).

12 SRI has only two shareholders – the Munjack Trust and Dr. Murphy. Where, as here, there are
13 only two shareholders of the corporation and the judgment will be against one of those shareholders for
14 damages caused to the corporation, the Court has both the power and the duty to provide in the judgment
15 that the shareholder defendant may not receive any portion of the damages caused to the corporation by
16 the shareholder’s wrongful conduct. Rankin v. Frebank Company, 47 Cal.App.3d 75, 96 (1975); Nelson
17 v. Anderson, *supra*, 72 Cal.App.4th at 127. Accordingly, the Court finds that Dr. Murphy should not
18 receive any shareholder distributions/dividends from SRI unless and until the judgment against him in
19 favor of SRI has been fully satisfied.

20 Pursuant to the request of Plaintiff Friedman, and the provisions of Corporations Code § 422, the
21 Court also finds that the Board of Directors of SRI, in its discretion, may (1) require, pursuant to
22 Corporations Code §422(a), that the SRI stock certificate currently held by Dr. Murphy be surrendered to
23 the corporation for cancellation and that a new stock certificate be issued in its place reciting the
24 existence of this judgment in favor of SRI and against Dr. Murphy and containing a statement that the
25 shares presently held by Dr. Murphy shall not be subject to transfer, or eligible to receive any dividend or
26 distribution, until and unless the judgment in favor of SRI and against Dr. Murphy has been fully
27 satisfied; and (2) determine that, pursuant to Corporations Code §422(b), Dr. Murphy is not entitled to
28 vote or to receive dividends, or to exercise any of the other rights of a shareholder, until Dr. Murphy

1 complies with such directive of the Board of the Directors.

2 **Stipulation for Entry of Judgment on First and Second Causes of Action**

3 Plaintiffs Lois Friedman and Jared Stein and Defendant SRI entered into a stipulation for entry of
4 judgment on the first and second causes of action in Friedman v. Murphy on November 8, 2019.

5 Defendant Murphy filed an objection to the stipulation and proposed order thereon. Following a hearing
6 on Defendant Murphy's objection, the Court approved the Stipulation for Entry of Judgment on the first
7 and second causes of action on August 20, 2020. PURSUANT TO THAT STIPULATION AND THE
8 COURT'S PRIOR ORDER:

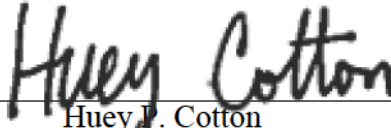
9 1. Judgment is entered in favor of Plaintiff Friedman and against Defendant SRI on the First
10 Cause of Action for Enforcement of Shareholder Document Rights (Corp. Code §§ 1601 and 1603), and
11 the findings of the Court contained in the Order dated May 6, 2014 (which is attached hereto) are deemed
12 final and are incorporated in this Judgment;

13 2. Judgment is entered in favor of Plaintiff Jared Stein and against Defendant SRI on the
14 second cause of action for Enforcement of Director Document Rights (Corp. Code §§ 1602 and 1603),
15 and the findings contained in the Order dated May 6, 2014 are deemed final and are incorporated in this
16 Judgment;

17 3. In connection with the First and Second Causes of Action only, Plaintiffs Lois Friedman
18 and Jared Stein shall not be awarded any attorney's fees or costs by virtue of the provisions of the
19 Stipulation; and

20 4. Pursuant to the Stipulation and the August 20, 2020 Order approving it, the judgment on
21 the first two causes of action is final for all purposes upon the entry hereof, and Defendant SRI has
22 waived any right to move for a new trial or to appeal the judgment on the first two causes of action or to
23 seek to set aside the Judgment through any collateral attack. SRI has also expressly waived notice of
24 entry of judgment and notice of and right to any hearing regarding entry of judgment.

25 Dated: October 20, 2021

26 
27 Huey J. Cotton
28 Judge of the Superior Court

ORDER DATED MAY 6, 2014

CONFORMED COPY
ORIGINAL FILED
Superior Court of California
County of Los Angeles

MAY 06 2014

RECEIVED

APR 25 2014

SUPERIOR COURT
WEST DISTRICT SANTA MONICA
D SALISBURY

Sherri R. Carter, Executive Officer/Clerk

By Darian Salisbury, Deputy

DONALD L. CORNWELL, ESQ. (SBN 081697)
LAW OFFICES OF DONALD L. CORNWELL, PC
11766 Wilshire Boulevard, Suite 700
Los Angeles, CA 90025
(310) 477-3111

Attorney for Plaintiffs
LOIS FRIEDMAN and
JARED STEIN

SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF LOS ANGELES

LOIS FRIEDMAN, TRUSTEE of THE)
DENNIS MUNJACK INTER VIVOS)
TRUST, suing individually and derivatively)
on behalf of Southwestern Research, Inc., a)
California corporation; and JARED STEIN,)
an individual,)
Plaintiffs,)

v.)

JOHN MURPHY, M.D., an individual;)
DARRELL MAAG, an individual;)
MAXWELL & COMPANY CPA'S INC., a)
California corporation; WILLIAM)
MAXWELL, an individual; SCHREIBER &)
SCHREIBER, INC., a California)
corporation; EDWIN C. SCHREIBER, an)
individual; SOUTHERN CALIFORNIA)
RESEARCH, LLC, a California limited)
liability company; and SOUTHWESTERN)
RESEARCH, INC., a California)
corporation,)
Defendants.)

CASE NO. SC 121128
(Hon Allan J Goodman-Dept P)

[Proposed] ORDER DIRECTING THE
PRODUCTION OF CORPORATE
RECORDS OF SOUTHWESTERN
RESEARCH, INC.

A Verified Complaint was filed by Plaintiff Lois Friedman, Trustee of the Dennis Munjack Inter Vivos Trust and Plaintiff Jared Stein on August 6, 2013 and was timely served on Southwestern Research, Inc. (hereafter referred to as "SRI") on August 13, 2013 as documented by a Proof of Service filed with this court. SRI failed to respond to the Verified Complaint and this Court entered the default of SRI on October 22, 2013.

Based on the allegations of the Verified Complaint, the Declarations filed with this court and the Judgment of the Superior Court in In re Dennis Munjack Trust, Lois Friedman, Trustee

Order Directing Production of Corporate Records

1 v. John Murphy et al., Los Angeles Superior Court Case No. SP007578, and the arguments of the
2 parties before this Court on April 9, 2014 and April 14, 2014, the Court finds that Plaintiff Lois
3 Friedman has at all times since May 10, 2008 been a shareholder of record of Defendant SRI and
4 that on November 20, 2012 and continuing thereafter Plaintiff Lois Friedman made lawful
5 demand for the inspection of SRI's accounting books and records, which was denied without
6 justification by SRI in violation of California Corporations Code § 1601. The court further finds
7 that the purpose of the inspection sought by Plaintiff Friedman (as set forth in paragraph 82 of the
8 Verified Complaint and in her declaration filed with this Court) is reasonably related to Plaintiff
9 Friedman's interest in SRI as a shareholder.

10 Based on the allegations of the Verified Complaint and the Declarations filed with this
11 Court, the Court finds that Plaintiff Jared Stein has at all times since March 6, 2013 been a
12 member of the Board of Directors of SRI and that on March 6, 2013, April 11, 2013 and July 19,
13 2013, Plaintiff Stein made demand upon SRI to inspect and copy 20 described categories of
14 books and records of SRI, which requests were denied without justification by SRI in violation of
15 California Corporations Code § 1602.

16 Accordingly, IT IS HEREBY ORDERED that, upon service of this Order, SRI shall
17 immediately make available to Plaintiff Lois Friedman (and to Plaintiff's Friedman's attorney,
18 Donald Cornwell, and Plaintiff's accounting firm, Gumbiner Savett, Inc.) for inspection and
19 copying all of SRI's accounting books and records for the ^{calendar} ~~years~~ 2008 to date, including any
20 documents maintained in electronic form or as part of any accounting software or other software
21 database and the means by which to access any such electronic data. SRI shall also make
22 available for inspection and copying by Plaintiff Friedman and her attorney and accountants any
23 of the accounting records for the ^{calendar} ~~years~~ 2008 to date which are maintained and stored off-site by
24 any agent or entity acting on behalf of SRI at times and places acceptable to Plaintiff's counsel
25 and to Gumbiner Savett, Inc. Such access shall be provided by SRI during its usual business
26 hours and for such duration as shall be deemed satisfactory by Gumbiner Savett, Inc. to complete
27 its inspection and copying of the accounting records. Such documents and items shall be made
28 available for inspection and copying during SRI's usual business hours.

1 SRI IS FURTHER ORDERED, upon service of this Order, to immediately make available
2 to Plaintiff Jared Stein (and to Plaintiff Stein's attorney Donald Cornwell and the accounting firm
3 of Gumbiner Savett, Inc.) for inspection and copying the following items:

- 4 1. W-2s for Dr. John Murphy for 2007 through 2013
- 5 2. W-2s for Darrell Maag for 2007 through 2013
- 6 3. All credit card bills for Darrell Maag from January 1, 2007 to date
- 7 4. All credit card bills for Dr. John Murphy from January 1, 2007 to date

8 (On items 3 and 4, if not all credit card bills remain in your possession and are not
9 available from the Company's offsite storage facility, request them from the Credit
Card Issuers and make them available for inspection and copying upon receipt.)

- 10 5. All documentation and written communications regarding any loans made
11 by the Company to either Dr. Murphy or Darrell Maag at any time since
January 1, 2008
- 12 6. All documentation and written communications regarding any loans made
13 by either Dr. Murphy or Darrell Maag to the Company at any time since
January 1, 2008.
- 14 7. The Company's Emergency Plan and any amendments.
- 15 8. The Company's written document retention plan and any written policies
16 regarding document retention.
- 17 9. A master list of Company personnel, their job titles and functions and their
locations
- 18 10. The Company's most recent set of Organization Charts.
- 19 11. The current electronic data files for SRI's MYOB accounting software and the
20 backup tapes/discs from the Inform software containing the accounting data for the
prior years which are not included in the current dataset.
- 21 12. A copy of Inventory/File List for what's in storage in Westwood
- 22 13. Copies of document destruction orders given to the Westwood storage facility
23 since May 1, 2008
- 24 14. Annual Pension Contribution Reports showing SRI pension contributions for all
employees from 2007 to date
- 25 15. All checks issued to Drs. Murphy and Munjack in 2008 and the backup for those
26 checks
- 27 16. A complete schedule of all checks issued by SRI to Schreiber & Schreiber from
January 1, 2008 to date.
- 28 17. All correspondence between anyone from SRI and anyone from Maxwell & Co

1 since 2007 (this includes both paper and electronic correspondence and emails).

2 18. Complete copies of the loan files concerning any loans made to Dr. Murphy or to
3 Darrell Maag at any time since January 1, 2008.

4 19. Complete copies of the loan files concerning any loans made by Dr. Murphy or
5 Darrell Maag to SRI at any time since January 1, 2008.

6 20. The original countersigned Unanimous Consent with Dr. Murphy's signature
7 needs to be obtained from Murphy and placed in a new permanent file with the
8 Board minutes at SRI.

9 SRI shall also make available for inspection and copying by Plaintiff Stein and his attorney and
10 accountants any documents listed above which are maintained and stored off-site by any agent or
11 entity acting on behalf of SRI at times and places acceptable to Plaintiff's counsel and to
12 Gumbiner Savett, Inc. Such access shall be provided by SRI during its usual business hours and
13 for such duration as shall be deemed satisfactory by Gumbiner Savett, Inc. to complete its
14 inspection and copying of the books and records of SRI.

15 NOTWITHSTANDING THE ~~GENERALITY~~ TH OF THE FOREGOING PROVISIONS, in
16 the event that SRI or any other Defendant in this matter contends that any document(s) sought by
17 either Plaintiff, or their attorneys or accountants, is subject to the attorney-client privilege, such
18 documents shall not be produced to Plaintiffs without further Order of this Court. Any such
19 documents shall be identified in a complete privilege log, which shall satisfy the requirements for
20 privilege logs set forth in C.C.P. § 2031.240(c), and shall additionally set forth SRI's position as
21 to why such document may not be viewed by Plaintiff Jared Stein as a director of SRI. The
22 privilege log shall be served on counsel for all parties in this litigation within 72 hours of the time
23 such privilege is asserted (with copies sent by email to all counsel) and immediately filed with
24 this Court. Plaintiffs may, on ex parte application made in accordance with the California Rules
25 of Court, with the papers served on counsel for all parties by email before ^{10:00 a.m. TH} the day prior to
26 the hearing, appear before the Court to argue why said document is either not privileged or should
27 be made available for inspection and copying by Plaintiff Stein as a director of SRI.

28 PURSUANT TO THE PROVISIONS OF CORPORATIONS CODE § 1603(B), all
officers and agents of SRI shall produce to Plaintiffs Friedman and Stein and their attorneys and
accountants all accounting records and documents described above which are in their custody or

1 under their power of control, under penalty of punishment for contempt of court.

2 *provide the copying equipment for the description of SRI's*
Counsel for Plaintiffs shall serve a copy of this Order by mail on SRI and serve a copy of

3 this Order on each party to this action.

normal operations to the extent possible and

4
5 Dated: 5-6, 2014

Goodman

Allan J Goodman
Judge of the Superior Court

PROOF OF SERVICE

I am employed in the County of Los Angeles, State of California. I am over the age of eighteen years and not a party to the within action; my business address is 11766 Wilshire Boulevard, Suite 700, Los Angeles, CA 90025.

On Thursday April 24, 2014 I served the following documents on the parties in this action:
[Proposed] ORDER DIRECTING THE PRODUCTION OF CORPORATE RECORDS OF SOUTHWESTERN RESEARCH, INC.

☒ by placing a true and correct copy thereof enclosed in a sealed envelope with postage thereon fully prepaid for deposit in the United States Post Office mail box, at my business address shown above, following my office's ordinary business practices for the collection and processing of mail, of which I am readily familiar, and addressed as set forth below.

On the same day correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service.

SEE ATTACHED LIST

☐ by depositing a true and correct copy thereof enclosed in a sealed envelope with delivery fees thereon fully prepaid in a box or other facility regularly maintained by Federal Express or delivering to an authorized courier or driver authorized by Federal Express to receive documents, addressed as set forth below.

☐ by transmitting a true and correct copy by facsimile from facsimile number (310) 477-3110 to the person(s) at the facsimile number(s) set forth below, which transmission was confirmed as complete. A copy of the transmission record is attached hereto.

☐ by forwarding a true and correct copy by e-mail from e-mail address doncornwell@linkline.com to the person(s) at the e-mail address(es) set forth below.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct, and that this declaration was executed April 24, 2014, at Los Angeles, California.



Donald L. Cornwell

FRIEDMAN v MURPHY SERVICE LIST

Randall J. Dean Esq.
Chapman, Glucksman Dean Roeb & Barger, APC
11900 West Olympic Blvd, Suite 800
Los Angeles, CA 90064-0704

(Attorneys for Defendants William Maxwell and Maxwell & Company CPA's Inc.)

Heather L. Rosing, Esq.
Gregor A. Hensrude, Esq.
Brian P. Murphy, Esq.
Klinedeinst PC
501 West Broadway, Suite 600
San Diego, CA 92101

(Attorneys for Defendants Edwin C. Schreiber and Schreiber & Schreiber, Inc.)

Scott M. Richter, Esq.
Law Offices of Scott M. Richter APC
9200 Sunset Boulevard
Penthouse 2
West Hollywood, CA 90069

(Attorney for Defendants Darrell Maag and Southern California Research, Inc.)

Edwin C. Schreiber, Esq.
Eric A. Schreiber, Esq.
Ean M. Schreiber, Esq.
Schreiber & Schreiber, Inc.
16633 Ventura Boulevard, Suite 711
Encino, California 91436

(Attorneys for Defendant John Murphy)

PROOF OF SERVICE

I am employed in the County of Los Angeles, State of California. I am over the age of eighteen years and not a party to the within action; my business address is 11766 Wilshire Boulevard, Suite 700, Los Angeles, CA 90025.

On October 8, 2021, I served the following document(s): [Proposed]COURT JUDGMENT BY DEFAULT AND STIPULATION FOR ENTRY OF JUDGMENT ON THE FIRST AND SECOND CAUSES OF ACTION along with this PROOF OF SERVICE on the parties in this action:

☐ by placing a true and correct copy thereof enclosed in a sealed envelope with postage thereon fully prepaid for deposit in the United States Post Office mail box, at my business address shown above, following my office's ordinary business practices for the collection and processing of mail, of which I am readily familiar, and addressed as set forth below.

SEE ATTACHED LIST

On the same day correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service.

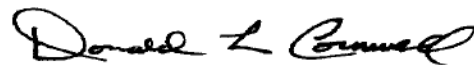
☐ by depositing a true and correct copy thereof enclosed in a sealed envelope with delivery fees thereon fully prepaid in a box or other facility regularly maintained by Federal Express or delivering to an authorized courier or driver authorized by Federal Express to receive documents, addressed as set forth below.

☐ by transmitting a true and correct copy by facsimile from facsimile number (310) 477-3110 to the person(s) at the facsimile number(s) set forth below, which transmission was confirmed as complete. A copy of the transmission record is attached hereto.

☐ by forwarding a true and correct copy by e-mail from my e-mail address don@doncornwell.com to the person(s) at the e-mail address(es) set forth below.

☒ by transmitting a true and correct copy via the Los Angeles Superior Court's electronic filing system to the person(s) at the e-mail address(es) set forth below.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct, and that this declaration was executed on October 8, 2021 at Los Angeles, California.



Donald L. Cornwell

SERVICE LIST – FRIEDMAN v. MURPHY

Diana Friedland, Esq.
Bernstein & Friedland, PC
16000 Ventura Blvd., Suite 1000
Encino, CA 91436

diana@laemploymentcounsel.com

(Attorneys for Defendant and Cross-complainant Southwestern Research, Inc.)

John P. Cogger, Esq.
Gordon Rees Scully Mansukhani, LLP
633 West Fifth Street, 52nd Floor
Los Angeles, CA 90071

jcogger@grsm.com

(Attorneys for Defendants Darrell Maag and Southern California Research, Inc.)

Edwin C. Schreiber, Esq.
Schreiber & Schreiber, Inc.
16633 Ventura Boulevard, Suite 1245
Encino, California 91436

Ed@schreiberlawfirm.com

(Attorneys for Defendant John Murphy)

Kenneth E. Chase
Chase Law & Associates, P.A.
1141 71st Street
Miami Beach, FL 33141

kchase@chaselaw.com

(Attorneys for Defendant John Murphy)

Exhibit 3

U210096510724



STATE OF CALIFORNIA
Office of the Secretary of State
NOTICE OF JUDGMENT LIEN (JL 1)
California Secretary of State
1500 11th Street
Sacramento, California 95814
(916) 653-3516

For Office Use Only

-FILED-

File #: U210096510724

Date Filed: 10/25/2021

Submitter Information:

| | |
|-------------------|---|
| Contact Name | Sheryl D. Noel |
| Organization Name | COLEMAN & HOROWITT, LLP |
| Phone Number | (559) 248-4820 |
| Email Address | snoel@ch-law.com |
| Address | 499 W SHAW AVENUE, STE. 116, FRESNO, CA 93704 Apo (Us) |

Judgment Debtor Information:

| Judgment Debtor Name | Mailing Address |
|----------------------|--|
| DARRELL MAAG | 5550 Partridge Court Westlake Village, CA 91362 |

Judgment Creditor Information:

| Judgment Creditor Name | Mailing Address |
|---|---|
| SOUTHWESTERN RESEARCH, INC., a California corporation | 4221 WILSHIRE BLVD., SUITE 430 LOS ANGELES, CA 90010 |

Judgment Information:

| | |
|---|--------------------------------------|
| A. Name of Court Where Judgment Was Entered | LOS ANGELES COUNTY SUPERIOR COURT |
| B. Title of the Action | LOIS FRIEDMAN v. JOHN MURPHY, ET AL. |
| C. Case Number | SC121128 |
| D. Date Judgment Was Entered | 10/20/2021 |

| |
|---|
| E. Date(s) of Subsequent Renewal of Judgment (if any) |
| None Entered |

| | |
|---|-----------------|
| F. Date of This Notice | 10/25/2021 |
| G. Amount Required to Satisfy Judgment at This Date of Notice | \$21,277,580.14 |

All property subject to enforcement of a Money Judgment against the Judgment Debtor to which a Judgment Lien on personal property may attach under Section 697.530 of the Code of Civil Procedure is subject to this Judgment Lien.

Declaration and Signature:

Declaration: I am the Attorney of Record for the Judgment Creditor.

☒ I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Sheryl D. Noel

10/25/2021

Sign Here

Date

B0441-6035 10/25/2021 8:53 AM Received by California Secretary of State

PROOF OF SERVICE

I declare that I am a citizen of the United States and a resident of the County of Fresno. I am over the age of eighteen (18) years and not a party to the within action. My business address is 499 West Shaw, Suite 116, Fresno, California 93704.

On October 25, 2021, I served the foregoing document(s) described as **NOTICE OF JUDGMENT LIEN (DARRELL MAAG)** on the interested parties, addressed as follows:

ADDRESS SERVICE REQUESTED

John P. Cogger, Esq.
Gordon Rees Scully Mansukhani, LLP
633 West Fifth Street, 52nd Floor
Los Angeles, CA 90071
jcogger@grsm.com
(Attorneys for Defendants Darrell Maag and
Southern California Research, Inc.)

☒ BY MAIL - by placing ☒ a true and correct copy ☐ the original thereof enclosed in a sealed envelope with postage thereon fully prepaid in the firm's outgoing mail. I am "readily familiar" with the firm's practice of collecting and processing correspondence for mailing. It is deposited with United States Postal Service on that same day in the ordinary course of business.

☐ BY CALIFORNIA OVERNIGHT - by placing ☐ a true and correct copy ☐ the original thereof enclosed in a sealed envelope for delivery via California Overnight next day delivery to the addressee noted above.

☐ BY EMAIL - by causing a true copy to be electronically transmitted to the parties, by using their email address indicated above.

☒ STATE: I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

☐ FEDERAL: I declare that I am employed in the office of a member of the bar of this court at whose direction service was made.

Executed on October 25, 2021, at Fresno, California.


RIN BO

Exhibit 4

RECORDING REQUESTED BY:

Coleman & Horowitz, LLP

WHEN RECORDED MAIL TO:

Sheryl D. Noel, Esq.

499 W. Shaw Avenue, Suite 116

Fresno

CA

93704

2021001978181

Recorded in Official Records
Ventura County Clerk-Recorder
Mark A. Lunn

11/29/2021

04:04 PM

VEN

ESPEJEV

Titles: 1 Pages: 3

Fees: \$150.00

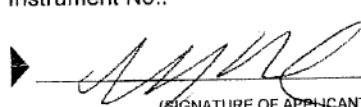



SPACE DIRECTLY ABOVE RESERVED FOR RECORDER'S USE

ABSTRACT OF JUDGMENT - CIVIL AND SMALL CLAIMS

LIEN NOTICE MAILED

EJ-001

| | | |
|---|--|---|
| <p>ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, address, and State Bar number):</p> <p>After recording, return to:</p> <p>SHERYL D. NOEL #172551 COLEMAN & HOROWITT, LLP 499 West Shaw Avenue, Suite 116 Fresno, California 93704 TEL NO.: (559) 248-4820 FAX NO. (optional): (559) 248-0130 E-MAIL ADDRESS (Optional): snoel@ch-law.com</p> <p><input checked="" type="checkbox"/> ATTORNEY FOR <input checked="" type="checkbox"/> JUDGMENT CREDITOR <input type="checkbox"/> ASSIGNEE OF RECORD</p> <p>SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES</p> <p>STREET ADDRESS: 6230 Sylmar Avenue MAILING ADDRESS: same as above CITY AND ZIP CODE: Van Nuys, CA 91401 BRANCH NAME: Unlimited Civil</p> | | <p>FOR RECORDER'S USE ONLY</p> <p>CASE NUMBER: SC121128</p> |
| <p>PLAINTIFF: LOIS FRIEDMAN, et al. DEFENDANT: JOHN MURPHY, M.D., et al.</p> <p>ABSTRACT OF JUDGMENT - CIVIL AND SMALL CLAIMS <input type="checkbox"/> Amended</p> <p>1. The <input checked="" type="checkbox"/> judgment creditor <input type="checkbox"/> assignee of record applies for an abstract of judgment and represents the following:</p> <p>a. Judgment debtor's</p> <p style="margin-left: 40px;">Name and last known address</p> <p style="margin-left: 40px;">[DARRELL MAAG 5550 Partridge Court Lien notice mailed to debtor at Westlake Village, CA 91362 address shown Govt Code 27297.5</p> <p>b. Driver's license no. [last 4 digits] and state: 0029 California <input type="checkbox"/> Unknown c. Social security no. [last 4 digits]: 6971 <input type="checkbox"/> Unknown d. Summons or notice of entry of sister-state judgment was personally served or mailed to (name and address): DARRELL MAAG, an individual 5550 Partridge Court, Westlake Village, CA 91362</p> <p>2. <input checked="" type="checkbox"/> Information on additional judgment debtors is shown on page 2. 4. <input type="checkbox"/> Information on additional judgment creditors is shown on page 2. 3. Judgment creditor (name and address): Southwestern Research, Inc., a California corporation c/o Donald L. Cornwell, Esq, 11766 Wilshire Blvd., Ste. 700, Los Angeles, CA 90025; c/o Sheryl D. Noel, Esq, 499 W. Shaw Ave., Suite 116, Fresno, CA 93794 5. <input type="checkbox"/> Original abstract recorded in this county:</p> <p>a. Date: b. Instrument No.:</p> <p>Date: October 1 ^{Nov} 1, 2021 SHERYL D. NOEL (TYPE OR PRINT NAME)</p> <p style="text-align: right;">▶  (SIGNATURE OF APPLICANT OR ATTORNEY)</p> | | |
| <p>6. Total amount of judgment as entered or last renewed: \$ Darrell Maag (\$21,277,580.14); Southern California (\$11,123,451.22) \$ John Murphy (\$21,546,624.07) MURPHY FILED BK AND WILL NOT EXECUTE JUDGMENT</p> <p>7. All judgment creditors and debtors are listed on this abstract.</p> <p>8. a. Judgment entered on (date): October 20, 2021 b. Renewal entered on (date):</p> <p>9. <input type="checkbox"/> This judgment is an installment judgment.</p> <p>10. <input type="checkbox"/> An <input type="checkbox"/> execution lien <input type="checkbox"/> attachment lien is endorsed on the judgment as follows: a. Amount: \$ b. In favor of (name and address):</p> <p>11. A stay of enforcement has a. <input checked="" type="checkbox"/> not been ordered by the court. b. <input type="checkbox"/> been ordered by the court effective until (date):</p> <p>12. a. <input checked="" type="checkbox"/> I certify that this is a true and correct abstract of the judgment entered in this action. b. <input type="checkbox"/> A certified copy of the judgment is attached.</p> <p style="text-align: right;">Sherri R. Carter Executive Officer / Clerk of Court Clerk, by <u>E. Montagna</u>, Deputy</p> <div style="display: flex; align-items: center;"><div style="text-align: center;"><p>[SEAL]</p></div><div style="margin-left: 20px;"><p>This abstract issued on (date):</p><p style="font-size: 1.2em;">11/01/2021</p></div></div> | | |

| | |
|--------------------------------------|----------------|
| PLAINTIFF: LOIS FRIEDMAN, et al. | COURT CASE NO: |
| DEFENDANT: JOHN MURPHY, M.D., et al. | SC121128 |

NAMES AND ADDRESSES OF ADDITIONAL JUDGMENT CREDITORS:

13. Judgment creditor (*name and address*): 14. Judgment creditor (*name and address*):

15. ☐ Continued on Attachment 15. Lien notice mailed to debtor at address shown Govt Code 27297.5

INFORMATION ON ADDITIONAL JUDGMENT DEBTORS:

16. Name and last known address
SOUTHERN CALIFORNIA RESEARCH LLC
436 N. Roxbury Drive, Suite 222 (also Suite 205)
Beverly Hills, CA 90210

17. Name and last known address

JOHN MURPHY, M.D.
1300 SE Macarthur Boulevard
Stuart, FL 34996

FILED BK AND WILL NOT EXECUTE JUDGMENT

Driver's license no. [last 4 digits] and state:

☒ Unknown

Social security no. [last 4 digits]:

☒ Unknown

Summons was personally served at or mailed to (*address*):
SOUTHERN CALIFORNIA RESEARCH LLC
435 N. Bedford Drive, Suite 216
Beverly Hills, CA 90210

Driver's license no. [last 4 digits] and state:

☐ Unknown

2500 Florida
Social security no. [last 4 digits]:

☐ Unknown

5107
Summons was personally served at or mailed to (*address*):
JOHN MURPHY, M.D., an individual
435 N. Bedford Drive, Suite 216
Beverly Hills, CA 90210

18. Name and last known address

19. Name and last known address

Driver's license no. [last 4 digits] and state:

☐ Unknown

Social security no. [last 4 digits]:

☐ Unknown

Summons was personally served at or mailed to (*address*):

Driver's license no. [last 4 digits] and state:

☐ Unknown

Social security no. [last 4 digits]:

☐ Unknown

Summons was personally served at or mailed to (*address*):

20. ☐ Continued on Attachment 20.

Exhibit 5

AT-138/EJ-125

| | | | |
|---|--|--|--------------------|
| ATTORNEY OR PARTY WITHOUT ATTORNEY: NAME: SHERYL D. NOEL #172551 FIRM NAME: COLEMAN & HOROWITT, LLP STREET ADDRESS: 499 West Shaw Avenue, Suite 116 CITY: Fresno TELEPHONE NO.: (559) 248-4820 E-MAIL ADDRESS: snoel@ch-law.com ATTORNEY FOR (name): SOUTHWESTERN RESEARCH, INC., a California corporation | | STATE BAR NO.: STATE: CA ZIP CODE: 93704 FAX NO.: (559) 248-0130 | FOR COURT USE ONLY |
| SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES STREET ADDRESS: 6230 Sylmar Avenue MAILING ADDRESS: same as above CITY AND ZIP CODE: Van Nuys, CA 91401 BRANCH NAME: Unlimited Civil | | | |
| PLAINTIFF LOIS FRIEDMAN, et al. DEFENDANT JOHN MURPHY, M.D., et al. | | | |
| APPLICATION AND ORDER FOR APPEARANCE AND EXAMINATION <input checked="" type="checkbox"/> ENFORCEMENT OF JUDGMENT <input checked="" type="checkbox"/> Judgment Debtor | | CASE NUMBER: SC121128 | |
| <input type="checkbox"/> ATTACHMENT (Third Person) <input type="checkbox"/> Third Person | | | |

ORDER TO APPEAR FOR EXAMINATION

1. TO (name): DARRELL MAAG
2. YOU ARE ORDERED TO APPEAR personally before this court, or before a referee appointed by the court, to
 - a. ☒ furnish information to aid in enforcement of a money judgment against you.
 - b. ☐ answer concerning property of the judgment debtor in your possession or control or concerning a debt you owe the judgment debtor.
 - c. ☐ answer concerning property of the defendant in your possession or control or concerning a debt you owe the defendant that is subject to attachment.

Date: January 14, 2022 Time: 8:30 a.m. Dept. or Div.: A Rm.:
Address of court ☒ is shown above ☐ is:

3. This order may be served by a sheriff, marshal, registered process server, or the following specially appointed person (name):

Huey P. Cotton

Date: 11/29/2021

JUDGE

This order must be served not less than 10 days before the date set for the examination.

IMPORTANT NOTICES ON REVERSE

APPLICATION FOR ORDER TO APPEAR FOR EXAMINATION

4. ☒ Original judgment creditor ☐ Assignee of record ☐ Plaintiff who has a right to attach order applies for an order requiring (name): DARRELL MAAG to appear and furnish information to aid in enforcement of the money judgment or to answer concerning property or debt.
5. The person to be examined is
 - a. ☒ the judgment debtor.
 - b. ☐ a third person (1) who has possession or control of property belonging to the judgment debtor or the defendant or (2) who owes the judgment debtor or the defendant more than \$250. An affidavit supporting this application under Code of Civil Procedure section 491.110 or 708.120 is attached.
6. The person to be examined resides or has a place of business in this county or within 150 miles of the place of examination.
7. ☐ This court is not the court in which the money judgment is entered or (attachment only) the court that issued the writ of attachment. An affidavit supporting an application under Code of Civil Procedure section 491.150 or 708.160 is attached.
8. ☐ The judgment debtor has been examined within the past 120 days. An affidavit showing good cause for another examination is attached.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: November 22, 2021

SHERYL D. NOEL

(TYPE OR PRINT NAME)

(Continued on reverse)

(SIGNATURE OF DECLARANT)

Page 1 of 2

Information for Judgment Creditor Regarding Service

If you want to be able to ask the court to enforce the order on the judgment debtor or any third party, you must have a copy of the order personally served on the judgment debtor by a sheriff, marshal, registered process server, or the person appointed in item 3 of the order at least 10 calendar days before the date of the hearing, and have a proof of service filed with the court.

IMPORTANT NOTICES ABOUT THE ORDER

APPEARANCE OF JUDGMENT DEBTOR (ENFORCEMENT OF JUDGMENT)

NOTICE TO JUDGMENT DEBTOR If you fail to appear at the time and place specified in this order, you may be subject to arrest and punishment for contempt of court, and the court may make an order requiring you to pay the reasonable attorney fees incurred by the judgment creditor in this proceeding.

APPEARANCE OF A THIRD PERSON (ENFORCEMENT OF JUDGMENT)

(1) NOTICE TO PERSON SERVED If you fail to appear at the time and place specified in this order, you may be subject to arrest and punishment for contempt of court, and the court may make an order requiring you to pay the reasonable attorney fees incurred by the judgment creditor in this proceeding.

(2) NOTICE TO JUDGMENT DEBTOR The person in whose favor the judgment was entered in this action claims that the person to be examined under this order has possession or control of property that is yours or owes you a debt. This property or debt is as follows (*describe the property or debt*):

If you claim that all or any portion of this property or debt is exempt from enforcement of the money judgment, you must file your exemption claim in writing with the court and have a copy personally served on the judgment creditor not later than three days before the date set for the examination. You must appear at the time and place set for the examination to establish your claim of exemption or your exemption may be waived.

APPEARANCE OF A THIRD PERSON (ATTACHMENT)

NOTICE TO PERSON SERVED If you fail to appear at the time and place specified in this order, you may be subject to arrest and punishment for contempt of court, and the court may make an order requiring you to pay the reasonable attorney fees incurred by the plaintiff in this proceeding.

APPEARANCE OF A CORPORATION, PARTNERSHIP, ASSOCIATION, TRUST, OR OTHER ORGANIZATION

It is your duty to designate one or more of the following to appear and be examined: officers, directors, managing agents, or other persons who are familiar with your property and debts.



Request for Accommodations. Assistive listening systems, computer-assisted real-time captioning, or sign language interpreter services are available if you ask at least 5 days before your hearing. Contact the clerk's office for *Request for Accommodation* (form MC-410). (Civil Code, § 54.8.)

| | | |
|---|--|-----------------------|
| ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): SHERYL D. NOEL #172551 COLEMAN & HOROWITT, LLP 499 West Shaw Avenue, Suite 116 Fresno, California 93704 TELEPHONE NO.: (559) 248-4820 FAX NO.: (559) 248-0130 E-MAIL ADDRESS: snoel@ch-law.com ATTORNEY FOR (Name) SOUTHWESTERN RESEARCH, INC., a California corporation | | FOR COURT USE ONLY |
| NAME OF COURT: Los Angeles County Superior Court STREET ADDRESS: 6230 Sylmar Avenue MAILING ADDRESS: same as above CITY AND ZIP CODE: Van Nuys, CA 91401 BRANCH NAME: Unlimited Civil | | |
| PLAINTIFF/PETITIONER: LOIS FRIEDMAN, et al. | | |
| DEFENDANT/RESPONDENT: JOHN MURPHY, M.D., et al. | | |
| CIVIL SUBPOENA (DUCES TECUM) for Personal Appearance and Production of Documents, Electronically Stored Information, and Things at Trial or Hearing and DECLARATION | | CASE NUMBER: SC121128 |

THE PEOPLE OF THE STATE OF CALIFORNIA, TO (name, address, and telephone number of witness, if known):

DARRELL MAAG

1. YOU ARE ORDERED TO APPEAR AS A WITNESS in this action at the date, time, and place shown in the box below UNLESS your appearance is excused as indicated in box 3b below or you make an agreement with the person named in item 4 below.

a. Date: January 14, 2022 Time: 8:30 a.m. ☒ Dept.: A ☐ Div.: ☐ Room:
b. Address: 6230 Sylmar Avenue, Van Nuys, CA 91401

2. IF YOU HAVE BEEN SERVED WITH THIS SUBPOENA AS A CUSTODIAN OF CONSUMER OR EMPLOYEE RECORDS UNDER CODE OF CIVIL PROCEDURE SECTION 1985.3 OR 1985.6 AND A MOTION TO QUASH OR AN OBJECTION HAS BEEN SERVED ON YOU, A COURT ORDER OR AGREEMENT OF THE PARTIES, WITNESSES, AND CONSUMER OR EMPLOYEE AFFECTED MUST BE OBTAINED BEFORE YOU ARE REQUIRED TO PRODUCE CONSUMER OR EMPLOYEE RECORDS.
3. YOU ARE (item a or b must be checked):
- a. ☒ Ordered to appear in person and to produce the records described in the declaration on page two or the attached declaration or affidavit. The personal attendance of the custodian or other qualified witness and the production of the original records are required by this subpoena. The procedure authorized by Evidence Code sections 1560(b), 1561, and 1562 will not be deemed sufficient compliance with this subpoena.
- b. ☐ Not required to appear in person if you produce (i) the records described in the declaration on page two or the attached declaration or affidavit and (ii) a completed declaration of custodian of records in compliance with Evidence Code sections 1560, 1561, 1562, and 1271. (1) Place a copy of the records in an envelope (or other wrapper). Enclose the original declaration of the custodian with the records. Seal the envelope. (2) Attach a copy of this subpoena to the envelope or write on the envelope the case name and number; your name; and the date, time, and place from item 1 in the box above. (3) Place this first envelope in an outer envelope, seal it, and mail it to the clerk of the court at the address in item 1. (4) Mail a copy of your declaration to the attorney or party listed at the top of this form.
4. IF YOU HAVE ANY QUESTIONS ABOUT THE TIME OR DATE YOU ARE TO APPEAR, OR IF YOU WANT TO BE CERTAIN THAT YOUR PRESENCE IS REQUIRED, CONTACT THE FOLLOWING PERSON BEFORE THE DATE ON WHICH YOU ARE TO APPEAR:
- a. Name of subpoenaing party or attorney: SHERYL D. NOEL b. Telephone number: (559) 248-4820
5. **Witness Fees:** You are entitled to witness fees and mileage actually traveled both ways, as provided by law, if you request them at the time of service. You may request them before your scheduled appearance from the person named in item 4.

DISOBEDIENCE OF THIS SUBPOENA MAY BE PUNISHED AS CONTEMPT BY THIS COURT. YOU WILL ALSO BE LIABLE FOR THE SUM OF FIVE HUNDRED DOLLARS AND ALL DAMAGES RESULTING FROM YOUR FAILURE TO OBEY.

Date issued: November 22, 2021

SHERYL D. NOEL

(TYPE OR PRINT NAME)

(SIGNATURE OF PERSON ISSUING SUBPOENA)
Attorney for Judgment Creditor, SOUTHWESTERN RESEARCH, INC., a California corporation
(TITLE)

(Declaration in support of subpoena on reverse)

Page 1 of 3

| | |
|---|--------------------------|
| PLAINTIFF/PETITIONER: LOIS FRIEDMAN, et al. | CASE NUMBER: SC121128 |
| DEFENDANT/RESPONDENT: JOHN MURPHY, M.D., et al. | |

The production of the documents, electronically stored information, or other things sought by the subpoena on page one is supported by (check one):

☐ the attached affidavit or ☒ the following declaration:

DECLARATION IN SUPPORT OF CIVIL SUBPOENA (DUCES TECUM) FOR PERSONAL APPEARANCE AND PRODUCTION OF DOCUMENTS, ELECTRONICALLY STORED INFORMATION, AND THINGS AT TRIAL OR HEARING
(Code Civ. Proc., §§ 1985, 1987.5)

1. I, the undersigned, declare I am the ☐ plaintiff ☐ defendant ☐ petitioner ☐ respondent
☒ attorney for (specify): SOUTHWESTERN RESEARCH, INC., a California corporation
in the above-entitled action. ☐ other (specify):
2. The witness has possession or control of the documents, electronically stored information, or other things listed below, and shall produce them at the time and place specified in the Civil Subpoena for Personal Appearance and Production of Records at Trial or Hearing on page one of this form (specify the exact documents or other things to be produced; if electronically stored information is demanded, the form or forms in which each type of information is to be produced may be specified):

The documents set forth in Exhibit "A."

☐ Continued on Attachment 2.

3. Good cause exists for the production of the documents, electronically stored information, or other things described in paragraph 2 for the following reasons:

They will assist the judgment creditor in obtaining information to satisfy its judgment.

☐ Continued on Attachment 3.

4. The documents, electronically stored information, or other things described in paragraph 2 are material to the issues involved in this case for the following reasons:

They will assist the judgment creditor in obtaining information to satisfy its judgment.

☐ Continued on Attachment 4.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: November 22, 2021

SHERYL D. NOEL

(TYPE OR PRINT NAME)

(SIGNATURE OF

☐ SUBPOENAING PARTY

☒ ATTORNEY FOR
SUBPOENAING PARTY)

Request for Accommodations

Assistive listening systems, computer-assisted real-time captioning, or sign language interpreter services are available if you ask at least five days before the date on which you are to appear. Contact the clerk's office or go to www.courts.ca.gov/forms for Request for Accommodations by Persons With Disabilities and Response (form MC-410). (Civil Code, § 54.8.)



(Proof of service on page 3)

| | |
|---|--------------------------|
| PLAINTIFF/PETITIONER: LOIS FRIEDMAN, et al. | CASE NUMBER: SC121128 |
| DEFENDANT/RESPONDENT: JOHN MURPHY, M.D., et al. | |

PROOF OF SERVICE OF CIVIL SUBPOENA (DUCES TECUM) for Personal Appearance and Production of Documents, Electronically Stored Information, and Things at Trial or Hearing and DECLARATION

1. I served this *Civil Subpoena (Duces Tecum)* for Personal Appearance and Production of Documents, Electronically Stored Information, and Things at Trial or Hearing and Declaration by personally delivering a copy to the person served as follows:
 - a. Person served (name):
 - b. Address where served:
 - c. Date of delivery:
 - d. Time of delivery:
 - e. Witness fees (check one):
 - (1) ☐ were offered or demanded and paid. Amount: \$ _____
 - (2) ☐ were not demanded or paid.
 - f. Fee for service: \$ _____
2. I received this subpoena for service on (date):
3. Person serving:
 - a. ☐ Not a registered California process server.
 - b. ☐ California sheriff or marshal.
 - c. ☐ Registered California process server.
 - d. ☐ Employee or independent contractor of a registered California process server.
 - e. ☐ Exempt from registration under Business and Professions Code section 22350(b).
 - f. ☐ Registered professional copier.
 - g. ☐ Exempt from registration under Business and Professions Code section 22451.
 - h. Name, address, telephone number, and, if applicable, county of registration and number:

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date:

(For California sheriff or marshal use only)
I certify that the foregoing is true and correct.

Date:

(SIGNATURE)

(SIGNATURE)

EXHIBIT A

ITEMS TO BE PRODUCED AT JUDGMENT DEBTOR EXAM

SPECIALLY DEFINED TERMS

For the purpose of this subpoena, the following definitions shall apply to each of the Requests:

A. The terms "YOU" and "YOUR" refer to Defendant Darrell Maag and to all persons acting on his behalf.

B. "FINANCIAL INSTITUTION" means any bank, savings and loan, credit union, brokerage house or investment firm.

C. "MARKETABLE SECURITY" means any security regularly sold or traded in any public market, including, but not limited to the New York Stock Exchange, American Stock Exchange, NASDAQ, or any regional or foreign stock exchange.

D. "MUTUAL FUND" means a financial investment vehicle which consists of a pool of money collected from multiple investors which is invested in MARKETABLE SECURITIES, bonds, money market instruments, and/or other assets. Mutual funds are operated by professional money managers, who allocate the fund's assets and attempt to produce capital gains or income for the fund's investors according to investment objectives stated in a written prospectus.

E. "BONDS" means one or more instruments of indebtedness issued to the holders of such indebtedness which provides for the payment of interest on the debt at a specified rate, or which is sold on its original issue at a discount from the stated or face value of the bond payable at maturity. The most common types of bonds are government-issued bonds and corporate bonds.

F. "PRECIOUS METALS" means gold, silver, platinum and palladium in their purified metallic bullion form as sold in the precious metal markets in specified weights.

G. "ACCOUNT" with a "FINANCIAL INSTITUTION" means any type of bank account, money market account, investment account or credit card account.

H. The terms "DOCUMENT" and "DOCUMENTS" mean and include any "writing," "original," or "duplicate," as defined by California Evidence Code § 250, § 255, and § 260, respectively.

1
2 “DOCUMENT” also includes information stored in electronic format on a computer or smart phone, or
3 on a computer disk, diskette, tape or card, or in “cloud storage,” and includes but is not limited to e-
4 mails, text messages, spreadsheets, word processing documents, PDF files and other types of electronic
5 or software files, as well as any electronic recording, tape recording, photograph, video, file, microfilm,
6 microfiche, or similar recording of words, images, sounds, pictures, or information of any kind. As used
7 herein, every non-identical copy (i.e., any document initially identical in all respects to another
8 document, which is no longer identical by virtue of attachments thereto, or by virtue of any notation or
9 modification of any kind including, without limiting the generality of the foregoing, notes or
10 modifications on the backs or margins of pages thereof, or on copies thereof) of a document is a separate
11 document and is to be produced in response to these Demands for Inspection. “DOCUMENTS” includes
12 all items which were either physically or electronically attached to, or enclosed with, a responsive
13 “writing” (as defined in Evidence Code § 250). “DOCUMENTS” also includes all “writings” (as defined
14 in Evidence Code § 250) for which an electronic link or url address was included in another responsive
15 DOCUMENT, such as documents contained in cloud storage accounts for which an electronic link was
16 provided in a responsive DOCUMENT, including items such as ShareFile documents, DropBox
17 documents or any other documents stored or located in other cloud storage accounts. Any DOCUMENT
18 that is responsive only in part to any description herein shall also be produced.

19
20 **DOCUMENTS TO BE PRODUCED**

21 **REQUEST NO. 1:**

22 Copies of all ACCOUNT statements YOU received, or which were made available to YOU on
23 the internet, from any FINANCIAL INSTITUTION with respect to any ACCOUNT YOU maintained
24 with such FINANCIAL INSTITUTION (either in YOUR own name, or jointly with YOUR spouse, or in
25 the name of any Trust as to which YOU are a grantor or beneficiary) for the period from January 1, 2021
26 through the date of YOUR appearance for the judgment debtor examination. This request includes all
27 bank or investment ACCOUNT statements and any ACCOUNT statements referring to or reflecting
ownership of MARKETABLE SECURITIES, MUTUAL FUNDS, BONDS, PRECIOUS METALS or

any other assets. (NOTE: if YOU do not possess paper copies of the ACCOUNT statements YOU are required to download and produce electronic (PDF) copies of such statements since these items are under YOUR control).

REQUEST NO. 2:

Copies of all checks issued on the ACCOUNTS described in Request No. 1 in the amount of \$500.00 or more from May 1, 2021 through the date of YOUR appearance for the judgment debtor examination. (NOTE: if YOU do not possess paper copies of the checks requested, YOU are required to download and produce electronic (PDF) copies of such canceled checks since these items are under YOUR control).

REQUEST NO. 3:

Copies of the check registers for each of the ACCOUNTS described in Request No. 1 for the period from May 1, 2021 to the date of YOUR appearance for the judgment debtor examination.

REQUEST NO. 4:

Copies of all ACCOUNT statements received by, or made available on the internet to, any business owned (in whole or in part) or operated by YOU, from any FINANCIAL INSTITUTION with respect to any ACCOUNT maintained by such business with the FINANCIAL INSTITUTION for the period from January 1, 2021 through the date of YOUR appearance for the judgment debtor examination. This request includes all bank or investment ACCOUNT statements and any ACCOUNT statements referring to or reflecting ownership of MARKETABLE SECURITIES, MUTUAL FUNDS, BONDS, PRECIOUS METALS or any other assets. (NOTE: if YOU do not possess paper copies of the ACCOUNT statements YOU are required to download and produce electronic (PDF) copies of such statements since these items are under YOUR control).

REQUEST NO. 5:

Copies of all checks issued on the ACCOUNTS described in Request No. 4 from May 1, 2021 through the date of YOUR appearance for the judgment debtor examination in an amount of \$1,000.00 or more, but excluding copies of payroll checks issued to persons other than YOU. (NOTE: if YOU do not

possess paper copies of the checks requested, YOU are required to download and produce electronic (PDF) copies of such canceled checks since these items are under YOUR control).

REQUEST NO. 6:

Copies of the check registers for each of the ACCOUNTS described in Request No. 4 for the period from May 1, 2021 to the date of YOUR appearance for the judgment debtor examination.

REQUEST NO. 7:

Complete copies of the ACCOUNT statements issued by Wells Fargo Bank N.A. for the period from January 1, 2021 through the date of YOUR appearance for the judgment debtor examination for the following Wells Fargo bank accounts:

YOUR Savings Account ending in 5979

YOUR Savings Account ending in 8562

YOUR Checking Account ending in 9154

YOUR Checking Account ending in 2146

(NOTE: if YOU do not possess paper copies of the ACCOUNT statements YOU are required to download and produce electronic (PDF) copies of such statements since these items are under YOUR control).

REQUEST NO. 8:

Copies of all checks issued on the ACCOUNTS described in Request No. 7 from May 1, 2021 through the date of YOUR appearance for the judgment debtor examination in an amount of \$500.00 or more. (NOTE: if YOU do not possess paper copies of the checks requested, YOU are required to download and produce electronic (PDF) copies of such canceled checks since these items are under YOUR control).

REQUEST NO. 9:

Copies of the check registers for each of the ACCOUNTS described in Request No. 7 for the period from May 1, 2021 to the date of YOUR appearance for the judgment debtor examination.

REQUEST NO. 10:

1
2 All DOCUMENTS which evidence, reflect or refer to any transfer of funds out of the
3 ACCOUNTS described in Request No. 7 in an amount of \$500.00 or more from May 1, 2021 through the
4 date of YOUR appearance for the judgment debtor examination. This includes, but is not limited to, wire
5 transfer confirmation statements and all correspondence or email communications which occurred in
6 connection with each such transfer.

7 **REQUEST NO. 11:**

8 Complete copies of the ACCOUNT statements issued by Merrill Lynch for the period from May
9 1, 2021 through the date of YOUR appearance for examination for the following Merrill Lynch
10 accounts:

11 Merrill-Lynch Acct 8PK11247

12 Merrill Lynch Acct 5BA-49J19

13 Merrill Lynch Acct 6BA-86W98

14 Merrill Lynch IRA Acct 281-22278

15 Merrill Lynch IRA Acct 8PK-11294

16 (NOTE: if YOU do not possess paper copies of the ACCOUNT statements YOU are required to
17 download and produce electronic (PDF) copies of such statements since these items are under YOUR
18 control).

19 **REQUEST NO. 12:**

20 All DOCUMENTS which evidence, reflect or refer to any transfer of funds or other assets out of
21 the ACCOUNTS described in Request No. 11 which occurred at any time since May 1, 2021.

22 **REQUEST NO. 13:**

23 All DOCUMENTS which evidence, reflect or refer to any transfer of funds or other assets out of
24 any Merrill Lynch ACCOUNTS maintained by the Darrell D. Maag and Ana K. Maag Revocable Trust
25 dated May 20, 2006 which occurred at any time since May 1, 2021.

26 **REQUEST NO. 14:**

27 One or more DOCUMENTS which collectively list every asset owned or held by the Darrell D.

Maag and Ana K. Maag Revocable Trust dated May 20, 2006 at any time since January 1, 2021.

REQUEST NO. 15:

One or more DOCUMENTS which collectively list every asset owned or held by any trust (whether revocable or irrevocable) in existence at any point since January 1, 2021 as to which YOU were the settlor or grantor (or a co-settlor or co-grantor).

REQUEST NO. 16:

One or more DOCUMENTS which collectively list every asset owned by YOU (either individually or jointly with YOUR spouse) at any point since January 1, 2021.

REQUEST NO. 17:

One or more DOCUMENTS which collectively list every asset owned by YOUR spouse which is claimed to be her separate property and which YOU claim is not community property.

REQUEST NO. 18:

One or more DOCUMENTS which collectively list all transfers or gifts of money, or any real or personal property having a value of \$1,000.00 or more which YOU (either individually or with YOUR spouse) made to any trust (whether revocable or irrevocable) at any point from January 1, 2021 through the date of YOUR appearance for the judgment debtor examination.

REQUEST NO. 19:

One or more DOCUMENTS which collectively list of all transfers or gifts of money, or any real or personal property having a value of \$1,000.00 or more which YOU made to any family member at any point from January 1, 2021 through the date of YOUR appearance for the judgment debtor examination.

REQUEST NO. 20:

One or more DOCUMENTS which collectively list all transfers or gifts of money, or any real or personal property having a value of \$1,000.00 or more which YOU (either individually or with YOUR spouse) made to any other person or entity at any point from January 1, 2021 through the date of YOUR appearance for the judgment debtor examination.

REQUEST NO. 21:

1
2 YOUR personal Federal and California income tax returns (with all schedules) for the year 2020.
3 [See Weingarten v. Superior Court 102 Cal.App.4th 268, 276-277 (2002) and Li v. Yan, 247 Cal.App.4th
4 56, 66-68 (2016) and the Court's Order dated May 17, 2021 compelling Diane Savoian CPA to produce
5 copies of YOUR tax returns.]

6 **REQUEST NO. 22:**

7 All DOCUMENTS showing YOUR financial condition, income, assets and/or net worth from
8 January 1, 2021 to the present.

9 **REQUEST NO. 23:**

10 Complete copies of the loan applications YOU submitted or caused to be submitted to the Small
11 Business Administration to obtain the PPP loans which were received by Southern California Research
12 during 2020 and 2021. This includes copies of all DOCUMENTS which you submitted or caused to be
13 submitted in connection with the loan application concerning YOUR financial condition, income, assets
14 and/or net worth.

15 **REQUEST NO. 24:**

16 A copy of the lease or rental agreement between YOU (and/or YOUR spouse or the Darrell D.
17 Maag and Ana K. Maag Revocable Trust dated May 20, 2006) and the occupants of the real property located
18 at 5068 Benedict Court, Oak Park CA 91377.

19 **REQUEST NO. 25:**

20 One or more DOCUMENTS which collectively identify the occupants or lessees of the real
21 property located at 5068 Benedict Court, Oak Park CA 91377.

22 **REQUEST NO. 26:**

23 Copies of the three most recent checks (or other evidence of payment) that YOU received with
24 respect to the lease or rental of the real property located at 5068 Benedict Court, Oak Park CA 91377.

25 **REQUEST NO. 27:**

26 All DOCUMENTS which identify, describe, reflect or refer to any ACCOUNT with any
27 FINANCIAL INSTITUTION which was opened by YOU (either individually or with YOUR spouse or

on behalf of any trust [whether revocable or irrevocable]) at any time since January 1, 2021.

REQUEST NO. 28:

All DOCUMENTS which constitute, reflect or refer to communications between YOU any other person or entity (other than YOUR current counsel) concerning the opening of any ACCOUNT with any FINANCIAL INSTITUTION which took place at any time between January 1, 2021 and the date of YOUR appearance for the judgment debtor examination.

REQUEST NO. 29:

Copies of the current motor vehicle registration and ownership certificate (commonly referred to as a "pink slip") for each motor vehicle owned by YOU or YOUR spouse.

REQUEST NO. 30:

A complete list of all assets owned by YOU and/or YOUR spouse having a value of \$300.00 or more.

REQUEST NO. 31:

All MARKETABLE SECURITIES owned by YOU or YOUR spouse which are not held in YOUR Merrill Lynch account.

REQUEST NO. 32:

All DOCUMENTS which identify, describe, reflect or refer to any safe deposit box to which YOU or YOUR spouse has access.

REQUEST NO. 33:

All safe deposit box keys to any safe deposit box to which YOU or YOUR spouse has access.

REQUEST NO. 34:

All DOCUMENTS which constitute, reflect or refer to communications between YOU any other person or entity (other than YOUR current counsel) concerning the transfer of funds in an amount of \$500.00 or more out of the Wells Fargo ACCOUNTS described in Request No. 7 or the Merrill Lynch accounts described in Request No. 11 which occurred at any time from May 1, 2021 through the date of YOUR appearance for the judgment debtor examination.

REQUEST NO. 35:

All DOCUMENTS which constitute, reflect or refer to communications between YOU any other person or entity (other than YOUR current counsel) concerning YOUR transfer of any personal assets, community property assets or trust assets having a value of \$500.00 or more to any other person or entity which transfer occurred at any time from May 1, 2021 through the date of YOUR appearance for the judgment debtor examination.

REQUEST NO. 36:

All DOCUMENTS which constitute, reflect or refer to communications between YOU any other person or entity (other than YOUR current counsel) concerning the judgment entered against YOU in this case. This includes, but is not limited to, all communications between YOU and any employees of Southern California Research, LLC and all communications between YOU and any other defendant or former defendant in this lawsuit.

Exhibit 6

This page is part of your document - DO NOT DISCARD



20211804889



Pages:
0004

Recorded/Filed in Official Records
Recorder's Office, Los Angeles County,
California

12/06/21 AT 01:59PM

| | |
|--------|--------|
| FEES: | 39.00 |
| TAXES: | 0.00 |
| OTHER: | 0.00 |
| SB2: | 75.00 |
| PAID: | 114.00 |



LEADSHEET



202112062890034

00021556089



012913302

SEQ:
01

DAR - Mail (Intake)



THIS FORM IS NOT TO BE DUPLICATED

E492680

RECORDING REQUESTED BY:

Coleman & Horowitz, LLP

WHEN RECORDED MAIL TO:

Sheryl D. Noel, Esq.

499 W. Shaw Avenue, Suite 116

Fresno

CA

93704

21556089




Batch Number: 12913302



SPACE DIRECTLY ABOVE RESERVED FOR RECORDER'S USE

ABSTRACT OF JUDGMENT - CIVIL AND SMALL CLAIMS

EJ-001

| | | | |
|---|--|---|--|
| <p>ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, address, and State Bar number):</p> <p>After recording, return to:</p> <p>SHERYL D. NOEL #172551 COLEMAN & HOROWITT, LLP 499 West Shaw Avenue, Suite 116 Fresno, California 93704</p> <p>TEL NO.: (559) 248-4820 FAX NO. (optional): (559) 248-0130</p> <p>E-MAIL ADDRESS (Optional): snoel@ch-law.com</p> <p><input checked="" type="checkbox"/> ATTORNEY FOR <input checked="" type="checkbox"/> JUDGMENT CREDITOR <input type="checkbox"/> ASSIGNEE OF RECORD</p> | | <p>FOR RECORDER'S USE ONLY</p> <p>CASE NUMBER: SC121128</p> | |
| <p>SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES</p> <p>STREET ADDRESS: 6230 Sylmar Avenue</p> <p>MAILING ADDRESS: same as above</p> <p>CITY AND ZIP CODE: Van Nuys, CA 91401</p> <p>BRANCH NAME: Unlimited Civil</p> | | <p>FOR COURT USE ONLY</p> | |
| <p>PLAINTIFF: LOIS FRIEDMAN, et al.</p> <p>DEFENDANT: JOHN MURPHY, M.D., et al.</p> | | | |
| <p>ABSTRACT OF JUDGMENT - CIVIL AND SMALL CLAIMS <input type="checkbox"/> Amended</p> | | | |
| <p>1. The <input checked="" type="checkbox"/> judgment creditor <input type="checkbox"/> assignee of record applies for an abstract of judgment and represents the following:</p> <p>a. Judgment debtor's</p> <p style="padding-left: 40px;">Name and last known address</p> <p style="padding-left: 40px;">DARRELL MAAG 5550 Partridge Court Westlake Village, CA 91362</p> <p>b. Driver's license no. [last 4 digits] and state: 0029 California <input type="checkbox"/> Unknown</p> <p>c. Social security no. [last 4 digits]: 6971 <input type="checkbox"/> Unknown</p> <p>d. Summons or notice of entry of sister-state judgment was personally served or mailed to (name and address):</p> <p style="padding-left: 40px;">DARRELL MAAG, an individual 5550 Partridge Court, Westlake Village, CA 91362</p> | | | |
| <p>2. <input checked="" type="checkbox"/> Information on additional judgment debtors is shown on page 2.</p> <p>3. Judgment creditor (name and address): Southwestern Research, Inc., a California corporation c/o Donald L. Cornwell, Esq., 11766 Wilshire Blvd., Ste. 700, Los Angeles, CA 90025; c/o Sheryl D. Noel, Esq., 499 W. Shaw Ave., Suite 116, Fresno, CA 93794</p> <p>Date: <u>Nov 1, 2021</u> SHERYL D. NOEL</p> <p style="text-align: right;">(TYPE OR PRINT NAME)</p> | | | |
| <p>4. <input type="checkbox"/> Information on additional judgment creditors is shown on page 2.</p> <p>5. <input type="checkbox"/> Original abstract recorded in this county:</p> <p>a. Date:</p> <p>b. Instrument No.:</p> <p style="text-align: right;">(SIGNATURE OF APPLICANT OR ATTORNEY)</p> | | | |
| <p>6. Total amount of judgment as entered or last renewed: \$ Darrell Maag (\$21,277,580.14); Southern California (\$11,123,451.22) John Murphy (\$21,546,624.07) MURPHY FILED BK AND WILL NOT EXECUTE JUDGMENT</p> <p>7. All judgment creditors and debtors are listed on this abstract.</p> <p>8. a. Judgment entered on (date): October 20, 2021 b. Renewal entered on (date):</p> <p>9. <input type="checkbox"/> This judgment is an installment judgment.</p> <p>10. <input type="checkbox"/> An <input type="checkbox"/> execution lien <input type="checkbox"/> attachment lien is endorsed on the judgment as follows: a. Amount: \$ b. In favor of (name and address):</p> <p>11. A stay of enforcement has a. <input checked="" type="checkbox"/> not been ordered by the court. b. <input type="checkbox"/> been ordered by the court effective until (date):</p> <p>12. a. <input checked="" type="checkbox"/> I certify that this is a true and correct abstract of the judgment entered in this action. b. <input type="checkbox"/> A certified copy of the judgment is attached.</p> <p style="text-align: right;">Sherri R. Carter Executive Officer / Clerk of Court Clerk, by <u>E. Montagna</u>, Deputy</p> | | | |
| <div style="display: flex; justify-content: space-between;"><div><p>[SEAL]</p></div><div><p>This abstract issued on (date):</p><p style="text-align: center; border: 1px solid black; padding: 5px;">11/01/2021</p></div></div> | | | |

| | |
|--------------------------------------|----------------|
| PLAINTIFF: LOIS FRIEDMAN, et al. | COURT CASE NO: |
| DEFENDANT: JOHN MURPHY, M.D., et al. | SC121128 |

NAMES AND ADDRESSES OF ADDITIONAL JUDGMENT CREDITORS:

13. Judgment creditor (name and address):

14. Judgment creditor (name and address):

15. ☐ Continued on Attachment 15.

INFORMATION ON ADDITIONAL JUDGMENT DEBTORS:

16. Name and last known address

17. Name and last known address

SOUTHERN CALIFORNIA RESEARCH LLC
436 N. Roxbury Drive, Suite 222 (also Suite 205)
Beverly Hills, CA 90210

JOHN MURPHY, M.D.
1300 SE Macarthur Boulevard
Stuart, FL 34996

FILED BK AND WILL NOT EXECUTE JUDGMENT

Driver's license no. [last 4 digits] and state:

☒ Unknown

Social security no. [last 4 digits]:

☒ Unknown

Summons was personally served at or mailed to (address):

SOUTHERN CALIFORNIA RESEARCH LLC
435 N. Bedford Drive, Suite 216
Beverly Hills, CA 90210

Driver's license no. [last 4 digits] and state:

2500 Florida

☐ Unknown

Social security no. [last 4 digits]:

5107

☐ Unknown

Summons was personally served at or mailed to (address):

JOHN MURPHY, M.D., an individual
435 N. Bedford Drive, Suite 216
Beverly Hills, CA 90210

18. Name and last known address

19. Name and last known address

Driver's license no. [last 4 digits] and state:

☐ Unknown

Social security no. [last 4 digits]:

☐ Unknown

Summons was personally served at or mailed to (address):

Driver's license no. [last 4 digits] and state:

☐ Unknown

Social security no. [last 4 digits]:

☐ Unknown

Summons was personally served at or mailed to (address):

20. ☐ Continued on Attachment 20.

Exhibit 7

| | | |
|---|--|---|
| ATTORNEY (Name and Address): Sheryl D Noel Coleman & Horowitz LLP 499 West Shaw Ste 116 Fresno, CA 93704 | | FOR COURT USE ONLY |
| EMAIL: ATTORNEY FOR: Southwestern Research, Inc. a California Corporation | | |
| NAME OF COURT, JUDICIAL DISTRICT or BRANCH COURT, IF ANY: Los Angeles Superior Court 6230 Sylmar Ave Van Nuys, CA 91401 | | |
| PLAINTIFF: Lois Friedman, et al. | | COURT CASE NO: SC121128 |
| DEFENDANT: John Murphy, M.D. et al | | |
| Proof of Service | | LEVYING OFFICER FILE NO: 2021004295 |

1. At the time of the service I was at least 18 years of age and not a party to this action.
2. I served copies of the:
 - f. other (specify documents):
Attachments, Subpoena Duces Tecum
3. a. Party Served (specify name of party as shown on documents served):
Darrell Maag
4. Address where party was served: **5550 Partridge Court
Westlake Village, CA 91362**
5. I served the party:
 - a. **by personal service.** I personally delivered the documents listed in item 2 to the party or person authorized to receive service of process for the party (1) on: 12/21/2021 at: 2:20 PM.
7. **Person who served the papers:**
 - a. Name: **S. Green, Sr. Deputy**
 - b. Address: **Sheriff's Office, Civil Division, 800 South Victoria Ave, HOJ Room 101, Ventura, CA 93009**
 - c. Telephone number: **Phone:(805) 654-2391**
 - d. **The fee** for service was: **\$40.00**
9. **I am a California sheriff or marshal and** I certify that the foregoing is true and correct.

Date: Wednesday, December 22, 2021

Hearing: 01/14/2022 8:30 AM in Dept/Div: A

by:

Sheriff's Authorized Agent
Bill Ayub

Exhibit 8

In addition to its other claims, Southwestern Research, Inc. asserts a constructive trust and an equitable lien on Darrell Maag's real property at 5550 Partridge Court, Westlake Village, CA 91362. See Exhibit 2, p. 8, ll. 9-14, p. 11, ll. 4-6:

"Plaintiff Friedman and SRI presented clear and convincing evidence that Dr. Murphy and Mr. Maag each knowingly used a substantial amount of funds which they had unlawfully converted from SRI in order to purchase real property for themselves and their spouses or related business entities and, by virtue thereof, SRI has a constructive trust or equitable lien upon such real property purchased by Defendants Murphy and Maag as follows ... the Court finds that SRI has a constructive trust or equitable lien upon the 5550 Partridge Court, Westlake Village property, effective as of May 10, 2011, in an amount equal to, or representing, fifty percent (50%) of the ownership equity in the property."

EXHIBIT B

CRAIG G. MARGULIES (SBN 185925)
Craig@MarguliesFaithLaw.com
MONSI MORALES (SBN 235520)
Monsi@MarguliesFaithLaw.com
MARGULIES FAITH, LLP
16030 Ventura Blvd., Suite 470
Encino, California 91436
Telephone: (818) 705-2777
Facsimile: (818) 705-3777
Counsel for Darrell Derrick Maag

DANIEL J. WEINTRAUB (SBN 132111)
Dan@wsrlaw.net
JAMES R. SELTH (SBN 123420)
Jim@wsrlaw.net
WEINTRAUB & SELTH, APC
11766 Wilshire Blvd., Suite 450
Los Angeles, CA 90025
Telephone: (310) 207-1494
Facsimile: (310) 442-0660
Counsel for Plaintiffs Southern California Research, LLC

**UNITED STATES BANKRUPTCY COURT
CENTRAL DISTRICT OF CALIFORNIA
NORTHERN DIVISION**

In re

SOUTHERN CALIFORNIA RESEARCH,
LLC,

Debtor.

Lead Case No.: 9:22-bk-10022-DS

Chapter 11

In re

DARRELL DERRICK MAAG,

Debtors

Jointly Administered with

Case No: 9:22-bk-10023-DS

SOUTHERN CALIFORNIA RESEARCH,
LLC and DARRELL DERRICK MAAG,

Plaintiffs,

v.

SOUTHWESTERN RESEARCH, INC.,

Defendant.

Adv. No.: 9:22-ap-01012-DS

FIRST AMENDED COMPLAINT FOR:

- 1) AVOIDANCE OF PREFERENTIAL TRANSFERS PURSUANT TO 11 U.S.C. § 547;**
- 2) RECOVERY OF PREFERENTIAL TRANSFERS PURSUANT TO 11 U.S.C. § 550;**
- 3) PRESERVATION OF AVOIDED TRANSFERS PURSUANT TO 11 U.S.C. § 551; and**
- 4) DISALLOWANCE OF ANY CLAIMS HELD BY DEFENDANT PURSUANT TO 11 U.S.C. § 502(d)**

1 **TO THE HONORABLE J. DEBORAH SALTZMAN, UNITED STATES BANKRUPTCY**
2 **JUDGE:**

3 Plaintiffs Southern California Research, LLC (“SCR”) and Darrell Maag (“Maag” and
4 together with SCR, “Plaintiffs”) bring this “Complaint for: (1) Avoidance of Preferential
5 Transfers pursuant to 11 U.S.C. §547; (2) Recovery of Preferential Transfers Pursuant to
6 11 U.S.C. § 550; (3) Preservation of Avoided Transfers Pursuant to 11 U.S.C. § 551; and
7 (4) Disallowance of any Claims held by Defendant pursuant to 11 U.S.C. §502(d)” (the
8 “Complaint”) against defendant Southwestern Research, Inc. (“SRI” or “Defendant”), and
9 allege as follows:

10 **STATEMENT OF JURISDICTION AND VENUE**

11 1. On January 12, 2022 (“Petition Date”), a separate voluntary petition for relief
12 under chapter 11 of title 11 of the United States Code (“Bankruptcy Code”) was filed by
13 each Plaintiff in the United States Bankruptcy Court for the Central District of California,
14 Northern Division (“Court”), commencing the chapter 11 cases titled *In re Darrell Derrick*
15 *Maag*, Case Number 9:22-bk-10023-DS (the “Maag Bankruptcy Case”), and *In re*
16 *Southern California Research, LLC*, Case Number 9:21-bk-10022-DS (the “SCR
17 Bankruptcy Case” and together with the Maag Bankruptcy Case, the “Bankruptcy Cases”).

18 2. On January 19, 2022, the Court entered an order providing for the joint
19 administration of the Bankruptcy Cases.

20 3. This Court has jurisdiction over this adversary proceeding and its subject
21 matter pursuant to 28 U.S.C. § 1334(b) in that this proceeding arises in, and relates to,
22 the Bankruptcy Cases.

23 4. This action is a core proceeding pursuant to 28 U.S.C. §157(b)(2)(B), (C),
24 (F) and (O). Plaintiffs consent to entry of final judgment and orders by the Bankruptcy
25 Court.

26 5. Venue is proper in this Court under 28 U.S.C. § 1409(a).

27 ///

28 ///

PARTIES

6. Plaintiff SCR is the chapter 11 debtor and debtor-in-possession in the SCR Bankruptcy Case. SCR is a California limited liability company whose principal place of business is in Thousand Oaks, California, in Ventura County.

7. Plaintiff Darrell Derrick Maag is the chapter 11 debtor and debtor-in-possession in the Maag Bankruptcy Case and, at all times relevant hereto, was and is an individual residing in the State of California.

8. Plaintiffs are informed and believe that Defendant Southwestern Research, Inc. ("SRI") is a California corporation headquartered in Hayward, California, and is subject to the jurisdiction of this Court.

GENERAL ALLEGATIONS

9. On or about August 6, 2013, Defendant, Lois Friedman, Trustee of the Dennis Munjack Inter Vivos Trust ("Friedman"), and Jared Stein ("Stein") filed a complaint against SCR and Maag, among others, in the Superior Court of California (the "State Court"), asserting shareholder derivative claims on behalf of SRI and commencing the action titled Friedman v. Murphy, et al, Case No. SC121128 (the "SRI Action").

10. On or about June 14, 2019, Defendant Friedman and Stein filed the Fifth Amended Complaint in the SRI Action.

11. On October 20, 2021, a default judgment was entered in the SRI Action in favor of Defendant and against the Plaintiffs in the approximate amounts of \$21.3 million against Maag and \$11.1 million against SCR (the "Default Judgment").

12. Plaintiffs are informed and believe that, on or about October 25, 2021, Defendant filed a Notice of Judgment Lien (the "Maag Judgment Lien") with the State of California Office of the Secretary of State, as File No. U210096510724, listing "Darrell Maag" as the judgment debtor. A copy of the Maag Judgment Lien is attached as **Exhibit 1** and incorporated herein by this reference.

13. Plaintiffs are informed and believe that, on or about October 25, 2021, Defendant filed a Notice of Judgment Lien (the "SCR Judgment Lien") with the State of

1 California Office of the Secretary of State, as File No. U210096514025, listing “SCR” as
2 the judgment debtor. A copy of the SCR Judgment Lien is attached as **Exhibit 2** and
3 incorporated herein by this reference.

4 14. On November 1, 2021, the State Court issued an abstract of judgment – civil
5 and small claims in the SRI Action in favor of Defendant and against the Plaintiffs (the
6 “Abstract of Judgment”). A copy of the Abstract of Judgment is attached as **Exhibit 3** and
7 incorporated herein by this reference. The judgment debtors named in the Abstract of
8 Judgment are “Darrell Maag,” “Southern California Research, LLC” and “John Murphy,
9 M.D.”

10 15. Plaintiffs are informed and believe that, on or about November 29, 2021,
11 Defendant recorded the Abstract of Judgment in the Ventura County Clerk-Recorder as
12 Abstract No. 2021001978181 (the “Ventura County Recorded Abstract”). A copy of the
13 Ventura County Recorded Abstract is attached as **Exhibit 4** and incorporated herein by
14 this reference.

15 16. Plaintiffs are informed and believe that, on or about December 6, 2021,
16 Defendant recorded the Abstract of Judgment in the Los Angeles County Recorder’s
17 Office as Abstract No. 20211804889 (the “Los Angeles County Recorded Abstract”). A
18 copy of the Los Angeles County Recorded Abstract is attached as **Exhibit 5** and
19 incorporated herein by this reference.

20 17. Plaintiffs are informed and believe that, pursuant to a Writ of Execution
21 issued on or about October 29, 2021, Defendant caused the Fresno County Sheriff’s Office
22 to levy multiple deposit accounts belonging to the Plaintiffs for the benefit of the Defendant
23 (the “Levies”).

24 18. Plaintiffs are informed and believe that, by the Levies, funds from the bank
25 accounts belonging to Plaintiff SCR and Plaintiff Maag were levied in amounts not less
26 than \$15,225.32 and \$16,324.52, respectively, in the ninety (90) days prior to the Petition
27 Date.

28 19. Plaintiffs are informed and believe that, by the Levies, Defendant received

1 funds from the bank accounts belonging to Plaintiff SCR (the "SCR Levies") and Plaintiff
2 Maag (the "Maag Levies") in amounts not less than \$15,088.32 and \$336.66,
3 respectively, in the ninety (90) days prior to the Petition Date.

4 20. Plaintiffs are informed and believe that, on or about November 22, 2021, the
5 State Court issued an Order directing Plaintiff Maag to appear for a judgment debtor
6 examination on January 14, 2022 (the "Maag Judgment Exam Order"). The Maag
7 Judgment Exam Order is attached as **Exhibit 6** and incorporated herein by this reference.

8 21. Plaintiffs are informed and believe that, on or about November 29, 2021, the
9 State Court issued an Order directing Plaintiff Maag, as Chief Executive Officer of Plaintiff
10 SCR, to appear for a judgment debtor examination on January 14, 2022 (the "SCR
11 Judgment Exam Order"). The SCR Judgment Exam Order is attached as **Exhibit 7** and
12 incorporated herein by this reference

13 22. Plaintiffs are informed and believe that the Maag Judgment Exam Order was
14 served on or about December 21, 2021.

15 23. Plaintiffs are informed and believe that the SCR Judgment Exam Order was
16 served on or about December 21, 2021.

17 **FIRST CLAIM FOR RELIEF**

18 **(AVOIDANCE OF PREFERENTIAL TRANSFERS - 11 U.S.C. § 547(b))**

19 **Plaintiff Maag against Defendant**

20 24. Plaintiffs reallege and incorporate each and every allegation contained in the
21 prior paragraphs of this Complaint as if fully set forth herein.

22 25. Prior to bringing this Complaint, Plaintiff Maag performed reasonable due
23 diligence in the circumstances of his Bankruptcy Case with respect to the facts alleged
24 herein and took into account any known or reasonably knowable potential affirmative
25 defenses of Defendant under 11 U.S.C. § 547(c).

26 26. Within the ninety (90) days prior to the Petition Date, a transfer of property
27 of Plaintiff Maag was made when the Defendant purported to perfect the Maag Judgment
28 Lien in favor of itself and against Plaintiff Maag by recording the Abstract of Judgment.

27. Within the ninety (90) days prior to the Petition Date, a transfer of property of Plaintiff Maag was made when the Maag Levies occurred.

28. Within the ninety (90) days prior to the Petition Date, a transfer of property of Plaintiff Maag was made when the Defendant purported to perfect a lien in favor of itself and against Plaintiff Maag by serving the Maag Judgment Exam Order.

29. The transfers of property caused by the Abstract of Judgment, the Maag Levies and the Maag Judgment Exam Order are referred to herein as the “Maag Transfers.”

30. The Maag Transfers were transfers of a property interest of Plaintiff Maag.

31. The Maag Transfers were made to or for the benefit of Defendant at a time in which Defendant was an alleged creditor of Plaintiff Maag, as the term “creditor” is defined by 11 U.S.C. § 101(10).

32. The Maag Transfers were made for or on account of an antecedent debt purportedly owed by Plaintiff Maag to Defendant before such Maag Transfers were made.

33. The Maag Transfers were made while the Plaintiff Maag was insolvent.

34. The Maag Transfers enabled Defendant to receive more than Defendant would otherwise have received if (a) the Maag Bankruptcy Case was a case under chapter 7 of the Bankruptcy Code; (b) the Maag Transfers had not been made; and (c) Defendant received payment of such debt to the extent provided by the provisions of the Bankruptcy Code.

35. Pursuant to 11 U.S.C. §547(b), Plaintiff Maag is entitled to avoid the Maag Transfers to Defendant.

SECOND CLAIM FOR RELIEF

(AVOIDANCE OF PREFERENTIAL TRANSFERS - 11 U.S.C. § 547(b))

Plaintiff SCR against Defendant

36. Plaintiffs reallege and incorporate each and every allegation contained in the prior paragraphs of this Complaint as if fully set forth herein.

37. Prior to bringing this Complaint, Plaintiff SCR performed reasonable due

1 diligence in the circumstances of his Bankruptcy Case with respect to the facts alleged
2 herein and took into account any known or reasonably knowable potential affirmative
3 defenses of Defendant under 11 U.S.C. § 547(c).

4 38. Within the ninety (90) days prior to the Petition Date, a transfer of property
5 of Plaintiff SCR was made when the Defendant purported to perfect a judgment lien in
6 favor of itself and against Plaintiff SCR by filing the SCR Judgment Lien with the State of
7 California Office of the Secretary of State.

8 39. Within the ninety (90) days prior to the Petition Date, a transfer of property
9 of Plaintiff SCR was made when the SCR Levies occurred.

10 40. Within the ninety (90) days prior to the Petition Date, a transfer of property
11 of Plaintiff SCR was made when the Defendant purported to perfect a lien in favor of itself
12 and against Plaintiff SCR by serving the SCR Judgment Exam Order.

13 41. The transfers of property caused by the SCR Judgment Lien, the SCR
14 Levies and the SCR Judgment Exam Order are referred to herein as the "SCR Transfers."

15 42. The SCR Transfers were transfers of a property interest of Plaintiff SCR.

16 43. The SCR Transfers were made to or for the benefit of Defendant, at a time
17 in which Defendant was an alleged creditor of Plaintiff SCR, as the term "creditor" is
18 defined by 11 U.S.C. § 101(10).

19 44. The SCR Transfers were made for or on account of an antecedent debt
20 purportedly owed by Plaintiff SCR to Defendant before such SCR Transfers were made.

21 45. The SCR Transfers were made while the Plaintiff SCR was insolvent.

22 46. The SCR Transfers enabled Defendant to receive more than Defendant
23 would otherwise have received if (a) the SCR Bankruptcy Case was a case under chapter
24 7 of the Bankruptcy Code; (b) the SCR Transfers had not been made; and (c) Defendant
25 received payment of such debt to the extent provided by the provisions of the Bankruptcy
26 Code.

27 47. Pursuant to 11 U.S.C. §547(b), Plaintiff SCR is entitled to avoid the SCR
28 Transfers to Defendant.

THIRD CLAIM FOR RELIEF

(TO RECOVER AVOIDED TRANSFERS - 11 U.S.C. § 550(a))

Against Defendant

48. Plaintiffs reallege and incorporate each and every allegation contained in the prior paragraphs of this Complaint as if fully set forth herein.

49. Plaintiffs are informed and believe that the Defendant was the initial transferee of the Maag Transfers and the SCR Transfers (together, the “Transfers”) for whose benefit the Transfers were made.

50. Pursuant to 11 U.S.C. § 550(a), Plaintiffs are entitled to recover the property transferred by the Transfers, or its value, from the Defendant and any subsequent transferee.

FOURTH CLAIM FOR RELIEF

(TO PRESERVE AVOIDED TRANSFERS - 11 U.S.C. §551)

Against Defendant

51. Plaintiffs reallege and incorporate each and every allegation contained in the prior paragraphs of this Complaint as if fully set forth herein.

52. Plaintiffs are informed and believe that the Defendant was the initial transferee of the Transfers for whose benefit the Transfers were made.

53. Plaintiffs are informed and believe that the property transferred by the Transfers is property of either the Maag or the SCR bankruptcy estate (the “Estates”).

54. Pursuant to 11 U.S.C. §551, Plaintiffs are entitled to preserve the avoided Transfers for the benefit of the Estates.

FIFTH CLAIM FOR RELIEF

(TO DISALLOW CLAIMS - 11 U.S.C. § 502(d))

Against Defendant

55. Plaintiffs reallege and incorporate each and every allegation contained in the prior paragraphs of this Complaint as if fully set forth herein.

56. The Defendant is the transferee of a transfer that is avoidable under 11

1 U.S.C. § 547.

2 57. Defendant is an entity from whom property is recoverable under 11 U.S.C.
3 § 550.

4 Pursuant to 11 U.S.C. § 502(d), any and all claims of the Defendant against the Estates
5 or the Plaintiffs (the "SRI Claims") must be disallowed in their entirety.

6 **PRAYER FOR RELIEF**

7 **WHEREFORE**, Plaintiffs pray for judgment as follows:

8 **On The First, Second, Third and Fourth Claims for Relief**

- 9 1. For avoidance of the Transfers.
- 10 2. For judgment against Defendant for the recovery of the property or the
11 value of property transferred by the Transfers, plus interest as allowed by law, in an
12 amount to be proven at trial.

13 3. For preservation of the Transfers for the benefit of the Estates.

14 4. For attorneys' fees and costs of suit incurred herein, as allowed by law.

15 5. For such other and further relief as the Court deems just and proper.

16 **On The Fifth Claim for Relief**

17 1. For disallowance of any SRI Claims pursuant to 11 U.S.C. § 502(d).

18 2. For attorneys' fees and costs of suit incurred herein, as allowed by law.

19 3. For such other and further relief as the Court deems just and proper.

20
21 DATED: March 29, 2022

MARGULIES FAITH LLP

22
23 By: /s/ Craig G. Margulies
Craig G. Margulies
24 Monsi Morales
Proposed Counsel for Plaintiffs

Exhibit 1



STATE OF CALIFORNIA
Office of the Secretary of State
NOTICE OF JUDGMENT LIEN (JL 1)

California Secretary of State
 1500 11th Street
 Sacramento, California 95814
 (916) 653-3516

For Office Use Only

-FILED-

File #: U210096510724

Date Filed: 10/25/2021

Submitter Information:

Contact Name Sheryl D. Noel
 Organization Name COLEMAN & HOROWITT, LLP
 Phone Number (559) 248-4820
 Email Address snoel@ch-law.com
 Address 499 W SHAW AVENUE, STE. 116, FRESNO, CA 93704
 Apo (Us)

Judgment Debtor Information:

| Judgment Debtor Name | Mailing Address |
|----------------------|--|
| DARRELL MAAG | 5550 Partridge Court Westlake Village, CA 91362 |

Judgment Creditor Information:

| Judgment Creditor Name | Mailing Address |
|---|---|
| SOUTHWESTERN RESEARCH, INC., a California corporation | 4221 WILSHIRE BLVD., SUITE 430 LOS ANGELES, CA 90010 |

Judgment Information:

A. Name of Court Where Judgment Was Entered LOS ANGELES COUNTY SUPERIOR COURT
 B. Title of the Action LOIS FRIEDMAN v. JOHN MURPHY, ET AL.
 C. Case Number SC121128
 D. Date Judgment Was Entered 10/20/2021

| E. Date(s) of Subsequent Renewal of Judgment (if any) |
|---|
| None Entered |

F. Date of This Notice 10/25/2021
 G. Amount Required to Satisfy Judgment at This Date of Notice \$21,277,580.14

All property subject to enforcement of a Money Judgment against the Judgment Debtor to which a Judgment Lien on personal property may attach under Section 697.530 of the Code of Civil Procedure is subject to this Judgment Lien.

Declaration and Signature:

Declaration: I am the Attorney of Record for the Judgment Creditor.

☒ I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Sheryl D. Noel

10/25/2021

Sign Here

Date

B0441-6035 10/25/2021 8:53 AM Received by California Secretary of State

Exhibit 2



STATE OF CALIFORNIA
Office of the Secretary of State
NOTICE OF JUDGMENT LIEN (JL 1)
California Secretary of State
1500 11th Street
Sacramento, California 95814
(916) 653-3516

For Office Use Only

-FILED-

File #: U210096514025

Date Filed: 10/25/2021

Submitter Information:

Contact Name Sheryl D. Noel
Organization Name COLEMAN & HOROWITT, LLP
Phone Number (559) 248-4820
Email Address snoel@ch-law.com
Address 499 W SHAW AVENUE, SUITE 116, FRESNO, CA 93704
Apo (Us)

Judgment Debtor Information:

| Judgment Debtor Name | Mailing Address |
|--|---|
| SOUTHERN CALIFORNIA RESEARCH LLC, a California limited liability company | 436 N. Roxbury Drive, Suite 222 (also Suite 205) Beverly Hills, CA 90210 |

Judgment Creditor Information:

| Judgment Creditor Name | Mailing Address |
|---|---|
| SOUTHWESTERN RESEARCH, INC., a California corporation | 4221 WILSHIRE BLVD., SUITE 430 LOS ANGELES, CA 90010 |

Judgment Information:

A. Name of Court Where Judgment Was Entered LOS ANGELES COUNTY SUPERIOR COURT
B. Title of the Action LOIS FRIEDMAN v. JOHN MURPHY, M.D., et al.
C. Case Number SC121128
D. Date Judgment Was Entered 10/20/2021

| E. Date(s) of Subsequent Renewal of Judgment (if any) |
|---|
| None Entered |

F. Date of This Notice 10/25/2021
G. Amount Required to Satisfy Judgment at This Date of Notice \$11,123,451.22

All property subject to enforcement of a Money Judgment against the Judgment Debtor to which a Judgment Lien on personal property may attach under Section 697.530 of the Code of Civil Procedure is subject to this Judgment Lien.

Declaration and Signature:

Declaration: I am the Attorney of Record for the Judgment Creditor.
☒ I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

SHERYL D. NOEL

10/25/2021

Sign Here

Date

B0441-6058 10/25/2021 9:03 AM Received by California Secretary of State

Exhibit 3

EJ-001

| | | | |
|--|--|-------------------------|--|
| ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, address, and State Bar number): After recording, return to: SHERYL D. NOEL #172551 COLEMAN & HOROWITT, LLP 499 West Shaw Avenue, Suite 116 Fresno, California 93704 TEL NO.: (559) 248-4820 FAX NO. (optional): (559) 248-0130 E-MAIL ADDRESS (Optional): snoel@ch-law.com <input checked="" type="checkbox"/> ATTORNEY FOR <input checked="" type="checkbox"/> JUDGMENT CREDITOR <input type="checkbox"/> ASSIGNEE OF RECORD | | FOR RECORDER'S USE ONLY | |
| SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES STREET ADDRESS: 6230 Sylmar Avenue MAILING ADDRESS: same as above CITY AND ZIP CODE: Van Nuys, CA 91401 BRANCH NAME: Unlimited Civil | | CASE NUMBER: SC121128 | |
| PLAINTIFF: LOIS FRIEDMAN, et al. DEFENDANT: JOHN MURPHY, M.D., et al. | | FOR COURT USE ONLY | |
| ABSTRACT OF JUDGMENT - CIVIL AND SMALL CLAIMS <input type="checkbox"/> Amended | | | |
| 1. The <input checked="" type="checkbox"/> judgment creditor <input type="checkbox"/> assignee of record applies for an abstract of judgment and represents the following: a. Judgment debtor's Name and last known address [] DARRELL MAAG 5550 Partridge Court Westlake Village, CA 91362 Lien notice mailed to debtor at address shown Govt Code 27297.5 b. Driver's license no. [last 4 digits] and state: 0029 California <input type="checkbox"/> Unknown c. Social security no. [last 4 digits]: 6971 <input type="checkbox"/> Unknown d. Summons or notice of entry of sister-state judgment was personally served or mailed to (name and address): DARRELL MAAG, an individual 5550 Partridge Court, Westlake Village, CA 91362 2. <input checked="" type="checkbox"/> Information on additional judgment debtors is shown on page 2. 3. Judgment creditor (name and address): Southwestern Research, Inc., a California corporation c/o Donald L. Cornwell, Esq., 11766 Wilshire Blvd., Ste. 700, Los Angeles, CA 90025; c/o Sheryl D. Noel, Esq., 499 W. Shaw Ave., Suite 116, Fresno, CA 93794 4. <input type="checkbox"/> Information on additional judgment creditors is shown on page 2. 5. <input type="checkbox"/> Original abstract recorded in this county: a. Date: b. Instrument No.: Date: <u>Nov 1, 2021</u> SHERYL D. NOEL (TYPE OR PRINT NAME) SIGNATURE OF APPLICANT OR ATTORNEY 6. Total amount of judgment as entered or last renewed: \$ Darrell Maag (\$21,277,580.14); Southern California (\$11,123,451.22) John Murphy (\$21,546,624.07) MURPHY FILED BK AND WILL NOT EXECUTE JUDGMENT 7. All judgment creditors and debtors are listed on this abstract. 8. a. Judgment entered on (date): October 20, 2021 b. Renewal entered on (date): 9. <input type="checkbox"/> This judgment is an installment judgment. 10. <input type="checkbox"/> An <input type="checkbox"/> execution lien <input type="checkbox"/> attachment lien is endorsed on the judgment as follows: a. Amount: \$ b. In favor of (name and address): 11. A stay of enforcement has a. <input checked="" type="checkbox"/> not been ordered by the court. b. <input type="checkbox"/> been ordered by the court effective until (date): 12. a. <input checked="" type="checkbox"/> I certify that this is a true and correct abstract of the judgment entered in this action. b. <input type="checkbox"/> A certified copy of the judgment is attached. Sherri R. Carter Executive Officer / Clerk of Court E. Montagna Deputy Form Adopted for Mandatory Use Judicial Council of California EJ-001 (Rev. July 1, 2014) CEB Essential Forms ABSTRACT OF JUDGMENT - CIVIL AND SMALL CLAIMS Page 1 of 2 Code of Civil Procedure, §§ 488.480, 674, 700.190 | | | |

| | |
|--|--------------------------------|
| PLAINTIFF: LOIS FRIEDMAN, et al. DEFENDANT: JOHN MURPHY, M.D., et al. | COURT CASE NO: SC121128 |
|--|--------------------------------|

NAMES AND ADDRESSES OF ADDITIONAL JUDGMENT CREDITORS:

13. Judgment creditor (name and address):

14. Judgment creditor (name and address):

15. ☐ Continued on Attachment 15. Lien notice mailed to debtor at
address shown Govt Code 27297.5

Lien notice mailed to debtor at
address shown Govt Code 27297.5

INFORMATION ON ADDITIONAL JUDGMENT DEBTORS:

16. Name and last known address

17. Name and last known address

SOUTHERN CALIFORNIA RESEARCH LLC
436 N. Roxbury Drive, Suite 222 (also Suite 205)
Beverly Hills, CA 90210

JOHN MURPHY, M.D.
1300 SE Macarthur Boulevard
Stuart, FL 34996

FILED BK AND WILL NOT EXECUTE JUDGMENT

Driver's license no. [last 4 digits] and state:

Driver's license no. [last 4 digits] and state:

☒ Unknown

2500 Florida

☐ Unknown

Social security no. [last 4 digits]:

☒ Unknown

Social security no. [last 4 digits]:
5107

☐ Unknown

Summons was personally served at or mailed to (address):

Summons was personally served at or mailed to (address):

SOUTHERN CALIFORNIA RESEARCH LLC
435 N. Bedford Drive, Suite 216
Beverly Hills, CA 90210

JOHN MURPHY, M.D., an individual
435 N. Bedford Drive, Suite 216
Beverly Hills, CA 90210

18. Name and last known address

19. Name and last known address

Driver's license no. [last 4 digits] and state:

Driver's license no. [last 4 digits] and state:

☐ Unknown

☐ Unknown

Social security no. [last 4 digits]:

☐ Unknown

Social security no. [last 4 digits]:

☐ Unknown

Summons was personally served at or mailed to (address):

Summons was personally served at or mailed to (address):

20. ☐ Continued on Attachment 20.

Exhibit 4

RECORDING REQUESTED BY:

Coleman & Horowitz, LLP

WHEN RECORDED MAIL TO:

Sheryl D. Noel, Esq.

499 W. Shaw Avenue, Suite 116

Fresno

CA

93704

2021001978181

Recorded in Official Records
Ventura County Clerk-Recorder
Mark A. Lunn

11/29/2021

04:04 PM

VEN

ESPEJEV

Titles: 1 Pages: 3

Fees: \$150.00




SPACE DIRECTLY ABOVE RESERVED FOR RECORDER'S USE

ABSTRACT OF JUDGMENT - CIVIL AND SMALL CLAIMS

LIEN NOTICE MAILED

EJ-001

| | |
|--|-----------------------|
| ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, address, and State Bar number): After recording, return to: SHERYL D. NOEL #172551 COLEMAN & HOROWITT, LLP 499 West Shaw Avenue, Suite 116 Fresno, California 93704 TEL NO.: (559) 248-4820 FAX NO. (optional): (559) 248-0130 E-MAIL ADDRESS (Optional): snoel@ch-law.com <input checked="" type="checkbox"/> ATTORNEY FOR <input checked="" type="checkbox"/> JUDGMENT CREDITOR <input type="checkbox"/> ASSIGNEE OF RECORD | |
| SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES STREET ADDRESS: 6230 Sylmar Avenue MAILING ADDRESS: same as above CITY AND ZIP CODE: Van Nuys, CA 91401 BRANCH NAME: Unlimited Civil | |
| PLAINTIFF: LOIS FRIEDMAN, et al. DEFENDANT: JOHN MURPHY, M.D., et al. | CASE NUMBER: SC121128 |
| ABSTRACT OF JUDGMENT - CIVIL AND SMALL CLAIMS <input type="checkbox"/> Amended | |
| 1. The <input checked="" type="checkbox"/> judgment creditor <input type="checkbox"/> assignee of record applies for an abstract of judgment and represents the following: a. Judgment debtor's Name and last known address DARRELL MAAG 5550 Partridge Court Westlake Village, CA 91362 Lien notice mailed to debtor at address shown Govt Code 27297.5 b. Driver's license no. [last 4 digits] and state: 0029 California <input type="checkbox"/> Unknown c. Social security no. [last 4 digits]: 6971 <input type="checkbox"/> Unknown d. Summons or notice of entry of sister-state judgment was personally served or mailed to (name and address): DARRELL MAAG, an individual 5550 Partridge Court, Westlake Village, CA 91362 | |
| 2. <input checked="" type="checkbox"/> Information on additional judgment debtors is shown on page 2. 3. Judgment creditor (name and address): Southwestern Research, Inc., a California corporation c/o Donald L. Cornwell, Esq., 11766 Wilshire Blvd., Ste. 700, Los Angeles, CA 90025; c/o Sheryl D. Noel, Esq., 499 W. Shaw Ave., Suite 116, Fresno, CA 93794 4. <input type="checkbox"/> Information on additional judgment creditors is shown on page 2. 5. <input type="checkbox"/> Original abstract recorded in this county: a. Date: b. Instrument No.: | |
| Date: <u>Nov 1, 2021</u> SHERYL D. NOEL (TYPE OR PRINT NAME) | |
| (SIGNATURE OF APPLICANT OR ATTORNEY) | |
| 6. Total amount of judgment as entered or last renewed: \$ Darrell Maag (\$21,277,580.14); Southern California (\$11,123,451.22) \$ John Murphy (\$21,546,624.07) MURPHY FILED BK AND WILL NOT EXECUTE JUDGMENT 7. All judgment creditors and debtors are listed on this abstract. 8. a. Judgment entered on (date): October 20, 2021 b. Renewal entered on (date): 9. <input type="checkbox"/> This judgment is an installment judgment. | |
| 10. <input type="checkbox"/> An <input type="checkbox"/> execution lien <input type="checkbox"/> attachment lien is endorsed on the judgment as follows: a. Amount: \$ b. In favor of (name and address): 11. A stay of enforcement has a. <input checked="" type="checkbox"/> not been ordered by the court. b. <input type="checkbox"/> been ordered by the court effective until (date): 12. a. <input checked="" type="checkbox"/> I certify that this is a true and correct abstract of the judgment entered in this action. b. <input type="checkbox"/> A certified copy of the judgment is attached. | |
| <div style="display: flex; align-items: center;"> <div style="border: 1px solid black; border-radius: 50%; padding: 10px; margin-right: 20px;">  </div> <div style="border: 1px solid black; padding: 5px;"> This abstract issued on (date): <u>11/01/2021</u> </div> </div> <div style="margin-top: 10px;"> Sherri R. Carter Executive Officer / Clerk of Court E. Montagna Deputy </div> | |

Form Adopted for Mandatory Use
Judicial Council of California
EJ-001 [Rev. July 1, 2014]

CEB Essential Forms

ABSTRACT OF JUDGMENT - CIVIL
AND SMALL CLAIMS

Page 1 of 2
Code of Civil Procedure, §§ 488.480,
674, 700.190

| | |
|--------------------------------------|----------------|
| PLAINTIFF: LOIS FRIEDMAN, et al. | COURT CASE NO: |
| DEFENDANT: JOHN MURPHY, M.D., et al. | SC121128 |

NAMES AND ADDRESSES OF ADDITIONAL JUDGMENT CREDITORS:

13. Judgment creditor (name and address):

14. Judgment creditor (name and address):

15. ☐ Continued on Attachment 15. Lien notice mailed to debtor at address shown Govt Code 27297.5

Lien notice mailed to debtor at address shown Govt Code 27297.5

INFORMATION ON ADDITIONAL JUDGMENT DEBTORS:

16. Name and last known address

17. Name and last known address

SOUTHERN CALIFORNIA RESEARCH LLC
436 N. Roxbury Drive, Suite 222 (also Suite 205)
Beverly Hills, CA 90210

JOHN MURPHY, M.D.
1300 SE Macarthur Boulevard
Stuart, FL 34996

FILED BK AND WILL NOT EXECUTE JUDGMENT

Driver's license no. [last 4 digits] and state:

Driver's license no. [last 4 digits] and state:

☒ Unknown

2500 Florida

☐ Unknown

Social security no. [last 4 digits]:

☒ Unknown

Social security no. [last 4 digits]:
5107

☐ Unknown

Summons was personally served at or mailed to (address):

Summons was personally served at or mailed to (address):

SOUTHERN CALIFORNIA RESEARCH LLC
435 N. Bedford Drive, Suite 216
Beverly Hills, CA 90210

JOHN MURPHY, M.D., an individual
435 N. Bedford Drive, Suite 216
Beverly Hills, CA 90210

18. Name and last known address

19. Name and last known address

Driver's license no. [last 4 digits] and state:

Driver's license no. [last 4 digits] and state:

☐ Unknown

Social security no. [last 4 digits]:

☐ Unknown

Social security no. [last 4 digits]:

☐ Unknown

Summons was personally served at or mailed to (address):

Summons was personally served at or mailed to (address):

20. ☐ Continued on Attachment 20.

EJ-001 (Rev July 1, 2014)

**ABSTRACT OF JUDGMENT - CIVIL
AND SMALL CLAIMS**

Page 2 of 2

CEB Essential
Forms

Exhibit 5

This page is part of your document - DO NOT DISCARD



20211804889



Pages:
0004

Recorded/Filed in Official Records
Recorder's Office, Los Angeles County,
California

12/06/21 AT 01:59PM

| | |
|--------|--------|
| FEES: | 39.00 |
| TAXES: | 0.00 |
| OTHER: | 0.00 |
| SB2: | 75.00 |
| PAID: | 114.00 |



LEADSHEET



202112062890034

00021556089



012913302

SEQ:
01

DAR - Mail (Intake)



THIS FORM IS NOT TO BE DUPLICATED

RECORDING REQUESTED BY:

Coleman & Horowitz, LLP

WHEN RECORDED MAIL TO:

Sheryl D. Noel, Esq.

499 W. Shaw Avenue, Suite 116

Fresno

CA

93704

21556089



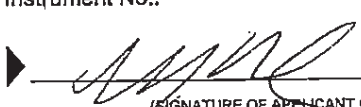
Batch Number: 12913302



SPACE DIRECTLY ABOVE RESERVED FOR RECORDER'S USE

ABSTRACT OF JUDGMENT - CIVIL AND SMALL CLAIMS

EJ-001

| | |
|--|--|
| <small>ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, address, and State Bar number):</small> After recording, return to: SHERYL D. NOEL #172551 COLEMAN & HOROWITT, LLP 499 West Shaw Avenue, Suite 116 Fresno, California 93704 TEL NO.: (559) 248-4820 FAX NO. (optional): (559) 248-0130 E-MAIL ADDRESS (Optional): snoel@ch-law.com | |
| <input checked="" type="checkbox"/> ATTORNEY FOR <input checked="" type="checkbox"/> JUDGMENT CREDITOR <input type="checkbox"/> ASSIGNEE OF RECORD | |
| SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES | |
| STREET ADDRESS: 6230 Sylmar Avenue | |
| MAILING ADDRESS: same as above | |
| CITY AND ZIP CODE: Van Nuys, CA 91401 | |
| BRANCH NAME: Unlimited Civil | |
| <small>FOR RECORDER'S USE ONLY</small> | |
| PLAINTIFF: LOIS FRIEDMAN, et al. | CASE NUMBER: SC121128 |
| DEFENDANT: JOHN MURPHY, M.D., et al. | |
| ABSTRACT OF JUDGMENT - CIVIL AND SMALL CLAIMS <input type="checkbox"/> Amended | |
| <small>FOR COURT USE ONLY</small> | |
| 1. The <input checked="" type="checkbox"/> judgment creditor <input type="checkbox"/> assignee of record applies for an abstract of judgment and represents the following: a. Judgment debtor's Name and last known address DARRELL MAAG 5550 Partridge Court Westlake Village, CA 91362 b. Driver's license no. [last 4 digits] and state: 0029 California <input type="checkbox"/> Unknown c. Social security no. [last 4 digits]: 6971 <input type="checkbox"/> Unknown d. Summons or notice of entry of sister-state judgment was personally served or mailed to (name and address): DARRELL MAAG, an individual 5550 Partridge Court, Westlake Village, CA 91362 | |
| 2. <input checked="" type="checkbox"/> Information on additional judgment debtors is shown on page 2. | 4. <input type="checkbox"/> Information on additional judgment creditors is shown on page 2. |
| 3. Judgment creditor (name and address): Southwestern Research, Inc., a California corporation c/o Donald L. Cornwell, Esq, 11766 Wilshire Blvd., Ste. 700, Los Angeles, CA 90025; c/o Sheryl D. Noel, Esq, 499 W. Shaw Ave., Suite 116, Fresno, CA 93794 | 5. <input type="checkbox"/> Original abstract recorded in this county: a. Date: b. Instrument No.: |
| Date: Nov 1, 2021 SHERYL D. NOEL <div style="text-align: center;"><small>(TYPE OR PRINT NAME)</small></div> | |
| <div style="text-align: center;"> <small>(SIGNATURE OF APPLICANT OR ATTORNEY)</small></div> | |
| 6. Total amount of judgment as entered or last renewed: \$ Darrell Maag (\$21,277,580.14); Southern California (\$11,123,451.22) \$ John Murphy (\$21,546,624.07) MURPHY FILED BK AND WILL NOT EXECUTE JUDGMENT | |
| 7. All judgment creditors and debtors are listed on this abstract. | |
| 8. a. Judgment entered on (date): October 20, 2021 b. Renewal entered on (date): | |
| 9. <input type="checkbox"/> This judgment is an installment judgment. | |
| 10. <input type="checkbox"/> An <input type="checkbox"/> execution lien <input type="checkbox"/> attachment lien is endorsed on the judgment as follows: a. Amount: \$ b. In favor of (name and address): | |
| 11. A stay of enforcement has a. <input checked="" type="checkbox"/> not been ordered by the court. b. <input type="checkbox"/> been ordered by the court effective until (date): | |
| 12. a. <input checked="" type="checkbox"/> I certify that this is a true and correct abstract of the judgment entered in this action. b. <input type="checkbox"/> A certified copy of the judgment is attached. | |
| Sherril R. Carter Executive Officer / Clerk of Court Clerk, by E. Montagna , Deputy | |



This abstract issued on (date):
11/01/2021

PLAINTIFF: LOIS FRIEDMAN, et al.

COURT CASE NO:

DEFENDANT: JOHN MURPHY, M.D., et al.

SC121128

NAMES AND ADDRESSES OF ADDITIONAL JUDGMENT CREDITORS:

13. Judgment creditor (name and address):

14. Judgment creditor (name and address):

15. ☐ Continued on Attachment 15.

INFORMATION ON ADDITIONAL JUDGMENT DEBTORS:

16. Name and last known address

SOUTHERN CALIFORNIA RESEARCH LLC
436 N. Roxbury Drive, Suite 222 (also Suite 205)
Beverly Hills, CA 90210

Driver's license no. [last 4 digits] and state:

☒ Unknown

Social security no. [last 4 digits]:

☒ Unknown

Summons was personally served at or mailed to (address):

SOUTHERN CALIFORNIA RESEARCH LLC
435 N. Bedford Drive, Suite 216
Beverly Hills, CA 90210

17. Name and last known address

JOHN MURPHY, M.D.
1300 SE Macarthur Boulevard
Stuart, FL 34996

FILED BK AND WILL NOT EXECUTE JUDGMENT

Driver's license no. [last 4 digits] and state:

2500 Florida

☐ Unknown

Social security no. [last 4 digits]:

5107

☐ Unknown

Summons was personally served at or mailed to (address):

JOHN MURPHY, M.D., an individual
435 N. Bedford Drive, Suite 216
Beverly Hills, CA 90210

18. Name and last known address

19. Name and last known address

Driver's license no. [last 4 digits] and state:

☐ Unknown

Social security no. [last 4 digits]:

☐ Unknown

Summons was personally served at or mailed to (address):

Driver's license no. [last 4 digits] and state:

☐ Unknown

Social security no. [last 4 digits]:

☐ Unknown

Summons was personally served at or mailed to (address):

20. ☐ Continued on Attachment 20.

Exhibit 6

| | | |
|---|--|-------------------------|
| ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address) SHERYL D. NOEL #172551 COLEMAN & HOROWITT, LLP 499 West Shaw Avenue, Suite 116 Fresno, California 93704 TELEPHONE NO. (559) 248-4820 FAX NO. (559) 248-0130 E-MAIL ADDRESS snoel@ch-law.com ATTORNEY FOR (Name) SOUTHWESTERN RESEARCH, INC., a California corporation | | FOR COURT USE ONLY |
| NAME OF COURT Los Angeles County Superior Court STREET ADDRESS 6230 Sylmar Avenue MAILING ADDRESS same as above CITY AND ZIP CODE Van Nuys, CA 91401 BRANCH NAME Unlimited Civil | | |
| PLAINTIFF/PETITIONER LOIS FRIEDMAN, et al. | | |
| DEFENDANT/RESPONDENT JOHN MURPHY, M.D., et al. | | |
| CIVIL SUBPOENA (DUCES TECUM) for Personal Appearance and Production of Documents, Electronically Stored Information, and Things at Trial or Hearing and DECLARATION | | CASE NUMBER SC121128 |

THE PEOPLE OF THE STATE OF CALIFORNIA, TO (name, address, and telephone number of witness, if known):

DARRELL MAAG

1. YOU ARE ORDERED TO APPEAR AS A WITNESS in this action at the date, time, and place shown in the box below UNLESS your appearance is excused as indicated in box 3b below or you make an agreement with the person named in item 4 below.

a. Date: January 14, 2022 Time: 8:30 a.m. ☒ Dept.: A ☐ Div.: ☐ Room:
b. Address: 6230 Sylmar Avenue, Van Nuys, CA 91401

2. IF YOU HAVE BEEN SERVED WITH THIS SUBPOENA AS A CUSTODIAN OF CONSUMER OR EMPLOYEE RECORDS UNDER CODE OF CIVIL PROCEDURE SECTION 1985.3 OR 1985.6 AND A MOTION TO QUASH OR AN OBJECTION HAS BEEN SERVED ON YOU, A COURT ORDER OR AGREEMENT OF THE PARTIES, WITNESSES, AND CONSUMER OR EMPLOYEE AFFECTED MUST BE OBTAINED BEFORE YOU ARE REQUIRED TO PRODUCE CONSUMER OR EMPLOYEE RECORDS.
3. YOU ARE (item a or b must be checked):
- a. ☒ Ordered to appear in person and to produce the records described in the declaration on page two or the attached declaration or affidavit. The personal attendance of the custodian or other qualified witness and the production of the original records are required by this subpoena. The procedure authorized by Evidence Code sections 1560(b), 1561, and 1562 will not be deemed sufficient compliance with this subpoena.
- b. ☐ Not required to appear in person if you produce (i) the records described in the declaration on page two or the attached declaration or affidavit and (ii) a completed declaration of custodian of records in compliance with Evidence Code sections 1560, 1561, 1562, and 1271. (1) Place a copy of the records in an envelope (or other wrapper). Enclose the original declaration of the custodian with the records. Seal the envelope. (2) Attach a copy of this subpoena to the envelope or write on the envelope the case name and number; your name; and the date, time, and place from item 1 in the box above. (3) Place this first envelope in an outer envelope, seal it, and mail it to the clerk of the court at the address in item 1. (4) Mail a copy of your declaration to the attorney or party listed at the top of this form.
4. IF YOU HAVE ANY QUESTIONS ABOUT THE TIME OR DATE YOU ARE TO APPEAR, OR IF YOU WANT TO BE CERTAIN THAT YOUR PRESENCE IS REQUIRED, CONTACT THE FOLLOWING PERSON BEFORE THE DATE ON WHICH YOU ARE TO APPEAR:
- a. Name of subpoenaing party or attorney: SHERYL D. NOEL b. Telephone number: (559) 248-4820
5. **Witness Fees:** You are entitled to witness fees and mileage actually traveled both ways, as provided by law, if you request them at the time of service. You may request them before your scheduled appearance from the person named in item 4.

DISOBEDIENCE OF THIS SUBPOENA MAY BE PUNISHED AS CONTEMPT BY THIS COURT. YOU WILL ALSO BE LIABLE FOR THE SUM OF FIVE HUNDRED DOLLARS AND ALL DAMAGES RESULTING FROM YOUR FAILURE TO OBEY.

Date issued: November 22, 2021

SHERYL D. NOEL

(TYPE OR PRINT NAME)

(SIGNATURE OF PERSON ISSUING SUBPOENA)
Attorney for Judgment Creditor, SOUTHWESTERN
RESEARCH, INC., a California corporation
(TITLE)

(Declaration in support of subpoena on reverse)

Page 1 of 3

SUBP-002

| | |
|--|-------------------------|
| PLAINTIFF/PETITIONER: LOIS FRIEDMAN, et al | CASE NUMBER SC121128 |
| DEFENDANT/RESPONDENT: JOHN MURPHY, M.D., et al | |

The production of the documents, electronically stored information, or other things sought by the subpoena on page one is supported by (check one):

☐ the attached affidavit or ☒ the following declaration:

DECLARATION IN SUPPORT OF CIVIL SUBPOENA (DUCES TECUM) FOR PERSONAL APPEARANCE AND PRODUCTION OF DOCUMENTS, ELECTRONICALLY STORED INFORMATION, AND THINGS AT TRIAL OR HEARING
(Code Civ. Proc., §§ 1985, 1987.5)

1. I, the undersigned, declare I am the ☐ plaintiff ☐ defendant ☐ petitioner ☐ respondent
☒ attorney for (specify): SOUTHWESTERN RESEARCH, ☐ other (specify):
in the above-entitled action, INC., a California corporation
2. The witness has possession or control of the documents, electronically stored information, or other things listed below, and shall produce them at the time and place specified in the Civil Subpoena for Personal Appearance and Production of Records at Trial or Hearing on page one of this form (specify the exact documents or other things to be produced; if electronically stored information is demanded, the form or forms in which each type of information is to be produced may be specified):

The documents set forth in Exhibit "A."

☐ Continued on Attachment 2.

3. Good cause exists for the production of the documents, electronically stored information, or other things described in paragraph 2 for the following reasons:

They will assist the judgment creditor in obtaining information to satisfy its judgment.

☐ Continued on Attachment 3.

4. The documents, electronically stored information, or other things described in paragraph 2 are material to the issues involved in this case for the following reasons:

They will assist the judgment creditor in obtaining information to satisfy its judgment.

☐ Continued on Attachment 4.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date November 22, 2021

SHERYL D. NOEL

(TYPE OR PRINT NAME)

(SIGNATURE OF

☐ SUBPOENAING PARTY

☒ ATTORNEY FOR
SUBPOENAING PARTY)

Request for Accommodations

Assistive listening systems, computer-assisted real-time captioning, or sign language interpreter services are available if you ask at least five days before the date on which you are to appear. Contact the clerk's office or go to www.courts.ca.gov/forms for Request for Accommodations by Persons With Disabilities and Response (form MC-410). (Civil Code, § 54.8.)



(Proof of service on page 3)

SUBP-002 [Rev. January 1, 2012]

CEB Essential
Forms

**CIVIL SUBPOENA (DUCES TECUM) for Personal Appearance and
Production of Documents, Electronically Stored Information, and Things at
Trial or Hearing and DECLARATION**

Page 2 of 3

EXHIBIT B
Page 115

SUBP-002

| | |
|---|--------------------------|
| PLAINTIFF/PETITIONER: LOIS FRIEDMAN, et al. | CASE NUMBER: SC121128 |
| DEFENDANT/RESPONDENT: JOHN MURPHY, M.D., et al. | |

PROOF OF SERVICE OF CIVIL SUBPOENA (DUCES TECUM) for Personal Appearance and Production of Documents, Electronically Stored Information, and Things at Trial or Hearing and DECLARATION

1. I served this *Civil Subpoena (Duces Tecum) for Personal Appearance and Production of Documents, Electronically Stored Information, and Things at Trial or Hearing and Declaration* by personally delivering a copy to the person served as follows:

- a. Person served (name):
- b. Address where served:
- c. Date of delivery:
- d. Time of delivery:
- e. Witness fees (check one):
 - (1) ☐ were offered or demanded and paid. Amount: \$ _____
 - (2) ☐ were not demanded or paid.
- f. Fee for service: \$ _____

2. I received this subpoena for service on (date):

3. Person serving:

- a. ☐ Not a registered California process server.
- b. ☐ California sheriff or marshal.
- c. ☐ Registered California process server.
- d. ☐ Employee or independent contractor of a registered California process server.
- e. ☐ Exempt from registration under Business and Professions Code section 22350(b).
- f. ☐ Registered professional photocopier.
- g. ☐ Exempt from registration under Business and Professions Code section 22451.
- h. Name, address, telephone number, and, if applicable, county of registration and number:

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

(For California sheriff or marshal use only)
I certify that the foregoing is true and correct.

Date:

Date:

(SIGNATURE)

(SIGNATURE)

EXHIBIT A

ITEMS TO BE PRODUCED AT JUDGMENT DEBTOR EXAM

SPECIALLY DEFINED TERMS

For the purpose of this subpoena, the following definitions shall apply to each of the Requests:

A. The terms "YOU" and "YOUR" refer to Defendant Darrell Maag and to all persons acting on his behalf.

B. "FINANCIAL INSTITUTION" means any bank, savings and loan, credit union, brokerage house or investment firm.

C. "MARKETABLE SECURITY" means any security regularly sold or traded in any public market, including, but not limited to the New York Stock Exchange, American Stock Exchange, NASDAQ, or any regional or foreign stock exchange.

D. "MUTUAL FUND" means a financial investment vehicle which consists of a pool of money collected from multiple investors which is invested in MARKETABLE SECURITIES, bonds, money market instruments, and/or other assets. Mutual funds are operated by professional money managers, who allocate the fund's assets and attempt to produce capital gains or income for the fund's investors according to investment objectives stated in a written prospectus.

E. "BONDS" means one or more instruments of indebtedness issued to the holders of such indebtedness which provides for the payment of interest on the debt at a specified rate, or which is sold on its original issue at a discount from the stated or face value of the bond payable at maturity. The most common types of bonds are government-issued bonds and corporate bonds.

F. "PRECIOUS METALS" means gold, silver, platinum and palladium in their purified metallic bullion form as sold in the precious metal markets in specified weights.

G. "ACCOUNT" with a "FINANCIAL INSTITUTION" means any type of bank account, money market account, investment account or credit card account.

H. The terms "DOCUMENT" and "DOCUMENTS" mean and include any "writing," "original," or "duplicate," as defined by California Evidence Code § 250, § 255, and § 260, respectively.

1
2 “DOCUMENT” also includes information stored in electronic format on a computer or smart phone, or
3 on a computer disk, diskette, tape or card, or in “cloud storage,” and includes but is not limited to e-
4 mails, text messages, spreadsheets, word processing documents, PDF files and other types of electronic
5 or software files, as well as any electronic recording, tape recording, photograph, video, file, microfilm,
6 microfiche, or similar recording of words, images, sounds, pictures, or information of any kind. As used
7 herein, every non-identical copy (i.e., any document initially identical in all respects to another
8 document, which is no longer identical by virtue of attachments thereto, or by virtue of any notation or
9 modification of any kind including, without limiting the generality of the foregoing, notes or
10 modifications on the backs or margins of pages thereof, or on copies thereof) of a document is a separate
11 document and is to be produced in response to these Demands for Inspection. “DOCUMENTS” includes
12 all items which were either physically or electronically attached to, or enclosed with, a responsive
13 “writing” (as defined in Evidence Code § 250). “DOCUMENTS” also includes all “writings” (as defined
14 in Evidence Code § 250) for which an electronic link or url address was included in another responsive
15 DOCUMENT, such as documents contained in cloud storage accounts for which an electronic link was
16 provided in a responsive DOCUMENT, including items such as ShareFile documents, DropBox
17 documents or any other documents stored or located in other cloud storage accounts. Any DOCUMENT
18 that is responsive only in part to any description herein shall also be produced.

19
20 **DOCUMENTS TO BE PRODUCED**

21 **REQUEST NO. 1:**

22 Copies of all ACCOUNT statements YOU received, or which were made available to YOU on
23 the internet, from any FINANCIAL INSTITUTION with respect to any ACCOUNT YOU maintained
24 with such FINANCIAL INSTITUTION (either in YOUR own name, or jointly with YOUR spouse, or in
25 the name of any Trust as to which YOU are a grantor or beneficiary) for the period from January 1, 2021
26 through the date of YOUR appearance for the judgment debtor examination. This request includes all
27 bank or investment ACCOUNT statements and any ACCOUNT statements referring to or reflecting
ownership of MARKETABLE SECURITIES, MUTUAL FUNDS, BONDS, PRECIOUS METALS or

1
2 any other assets. (NOTE: if YOU do not possess paper copies of the ACCOUNT statements YOU are
3 required to download and produce electronic (PDF) copies of such statements since these items are under
4 YOUR control).

5 **REQUEST NO. 2:**

6 Copies of all checks issued on the ACCOUNTS described in Request No. 1 in the amount of
7 \$500.00 or more from May 1, 2021 through the date of YOUR appearance for the judgment debtor
8 examination. (NOTE: if YOU do not possess paper copies of the checks requested, YOU are required to
9 download and produce electronic (PDF) copies of such canceled checks since these items are under
10 YOUR control).

11 **REQUEST NO. 3:**

12 Copies of the check registers for each of the ACCOUNTS described in Request No. 1 for the
13 period from May 1, 2021 to the date of YOUR appearance for the judgment debtor examination.

14 **REQUEST NO. 4:**

15 Copies of all ACCOUNT statements received by, or made available on the internet to, any
16 business owned (in whole or in part) or operated by YOU, from any FINANCIAL INSTITUTION with
17 respect to any ACCOUNT maintained by such business with the FINANCIAL INSTITUTION for the
18 period from January 1, 2021 through the date of YOUR appearance for the judgment debtor examination.
19 This request includes all bank or investment ACCOUNT statements and any ACCOUNT statements
20 referring to or reflecting ownership of MARKETABLE SECURITIES, MUTUAL FUNDS, BONDS,
21 PRECIOUS METALS or any other assets. (NOTE: if YOU do not possess paper copies of the
22 ACCOUNT statements YOU are required to download and produce electronic (PDF) copies of such
23 statements since these items are under YOUR control).

24 **REQUEST NO. 5:**

25 Copies of all checks issued on the ACCOUNTS described in Request No. 4 from May 1, 2021
26 through the date of YOUR appearance for the judgment debtor examination in an amount of \$1,000.00 or
27 more, but excluding copies of payroll checks issued to persons other than YOU. (NOTE: if YOU do not

possess paper copies of the checks requested, YOU are required to download and produce electronic (PDF) copies of such canceled checks since these items are under YOUR control).

REQUEST NO. 6:

Copies of the check registers for each of the ACCOUNTS described in Request No. 4 for the period from May 1, 2021 to the date of YOUR appearance for the judgment debtor examination.

REQUEST NO. 7:

Complete copies of the ACCOUNT statements issued by Wells Fargo Bank N.A. for the period from January 1, 2021 through the date of YOUR appearance for the judgment debtor examination for the following Wells Fargo bank accounts:

YOUR Savings Account ending in 5979

YOUR Savings Account ending in 8562

YOUR Checking Account ending in 9154

YOUR Checking Account ending in 2146

(NOTE: if YOU do not possess paper copies of the ACCOUNT statements YOU are required to download and produce electronic (PDF) copies of such statements since these items are under YOUR control).

REQUEST NO. 8:

Copies of all checks issued on the ACCOUNTS described in Request No. 7 from May 1, 2021 through the date of YOUR appearance for the judgment debtor examination in an amount of \$500.00 or more. (NOTE: if YOU do not possess paper copies of the checks requested, YOU are required to download and produce electronic (PDF) copies of such canceled checks since these items are under YOUR control).

REQUEST NO. 9:

Copies of the check registers for each of the ACCOUNTS described in Request No. 7 for the period from May 1, 2021 to the date of YOUR appearance for the judgment debtor examination.

REQUEST NO. 10:

1
2 All DOCUMENTS which evidence, reflect or refer to any transfer of funds out of the
3 ACCOUNTS described in Request No. 7 in an amount of \$500.00 or more from May 1, 2021 through the
4 date of YOUR appearance for the judgment debtor examination. This includes, but is not limited to, wire
5 transfer confirmation statements and all correspondence or email communications which occurred in
6 connection with each such transfer.

7 **REQUEST NO. 11:**

8 Complete copies of the ACCOUNT statements issued by Merrill Lynch for the period from May
9 1, 2021 through the date of YOUR appearance for examination for the following Merrill Lynch
10 accounts:

11 Merrill-Lynch Acct 8PK11247

12 Merrill Lynch Acct 5BA-49J19

13 Merrill Lynch Acct 6BA-86W98

14 Merrill Lynch IRA Acct 281-22278

15 Merrill Lynch IRA Acct 8PK-11294

16 (NOTE: if YOU do not possess paper copies of the ACCOUNT statements YOU are required to
17 download and produce electronic (PDF) copies of such statements since these items are under YOUR
18 control).

19 **REQUEST NO. 12:**

20 All DOCUMENTS which evidence, reflect or refer to any transfer of funds or other assets out of
21 the ACCOUNTS described in Request No. 11 which occurred at any time since May 1, 2021.

22 **REQUEST NO. 13:**

23 All DOCUMENTS which evidence, reflect or refer to any transfer of funds or other assets out of
24 any Merrill Lynch ACCOUNTS maintained by the Darrell D. Maag and Ana K. Maag Revocable Trust
25 dated May 20, 2006 which occurred at any time since May 1, 2021.

26 **REQUEST NO. 14:**

27 One or more DOCUMENTS which collectively list every asset owned or held by the Darrell D.

Maag and Ana K. Maag Revocable Trust dated May 20, 2006 at any time since January 1, 2021.

REQUEST NO. 15:

One or more DOCUMENTS which collectively list every asset owned or held by any trust (whether revocable or irrevocable) in existence at any point since January 1, 2021 as to which YOU were the settlor or grantor (or a co-settlor or co-grantor).

REQUEST NO. 16:

One or more DOCUMENTS which collectively list every asset owned by YOU (either individually or jointly with YOUR spouse) at any point since January 1, 2021.

REQUEST NO. 17:

One or more DOCUMENTS which collectively list every asset owned by YOUR spouse which is claimed to be her separate property and which YOU claim is not community property.

REQUEST NO. 18:

One or more DOCUMENTS which collectively list all transfers or gifts of money, or any real or personal property having a value of \$1,000.00 or more which YOU (either individually or with YOUR spouse) made to any trust (whether revocable or irrevocable) at any point from January 1, 2021 through the date of YOUR appearance for the judgment debtor examination.

REQUEST NO. 19:

One or more DOCUMENTS which collectively list of all transfers or gifts of money, or any real or personal property having a value of \$1,000.00 or more which YOU made to any family member at any point from January 1, 2021 through the date of YOUR appearance for the judgment debtor examination.

REQUEST NO. 20:

One or more DOCUMENTS which collectively list all transfers or gifts of money, or any real or personal property having a value of \$1,000.00 or more which YOU (either individually or with YOUR spouse) made to any other person or entity at any point from January 1, 2021 through the date of YOUR appearance for the judgment debtor examination.

REQUEST NO. 21:

1
2 YOUR personal Federal and California income tax returns (with all schedules) for the year 2020.
3 [See Weingarten v. Superior Court 102 Cal.App.4th 268, 276-277 (2002) and Li v. Yan, 247 Cal.App.4th
4 56, 66-68 (2016) and the Court's Order dated May 17, 2021 compelling Diane Savoian CPA to produce
5 copies of YOUR tax returns.]

6 **REQUEST NO. 22:**

7 All DOCUMENTS showing YOUR financial condition, income, assets and/or net worth from
8 January 1, 2021 to the present.

9 **REQUEST NO. 23:**

10 Complete copies of the loan applications YOU submitted or caused to be submitted to the Small
11 Business Administration to obtain the PPP loans which were received by Southern California Research
12 during 2020 and 2021. This includes copies of all DOCUMENTS which you submitted or caused to be
13 submitted in connection with the loan application concerning YOUR financial condition, income, assets
14 and/or net worth.

15 **REQUEST NO. 24:**

16 A copy of the lease or rental agreement between YOU (and/or YOUR spouse or the Darrell D.
17 Maag and Ana K. Maag Revocable Trust dated May 20, 2006) and the occupants of the real property located
18 at 5068 Benedict Court, Oak Park CA 91377.

19 **REQUEST NO. 25:**

20 One or more DOCUMENTS which collectively identify the occupants or lessees of the real
21 property located at 5068 Benedict Court, Oak Park CA 91377.

22 **REQUEST NO. 26:**

23 Copies of the three most recent checks (or other evidence of payment) that YOU received with
24 respect to the lease or rental of the real property located at 5068 Benedict Court, Oak Park CA 91377.

25 **REQUEST NO. 27:**

26 All DOCUMENTS which identify, describe, reflect or refer to any ACCOUNT with any
27 FINANCIAL INSTITUTION which was opened by YOU (either individually or with YOUR spouse or

on behalf of any trust [whether revocable or irrevocable]) at any time since January 1, 2021.

REQUEST NO. 28:

All DOCUMENTS which constitute, reflect or refer to communications between YOU any other person or entity (other than YOUR current counsel) concerning the opening of any ACCOUNT with any FINANCIAL INSTITUTION which took place at any time between January 1, 2021 and the date of YOUR appearance for the judgment debtor examination.

REQUEST NO. 29:

Copies of the current motor vehicle registration and ownership certificate (commonly referred to as a "pink slip") for each motor vehicle owned by YOU or YOUR spouse.

REQUEST NO. 30:

A complete list of all assets owned by YOU and/or YOUR spouse having a value of \$300.00 or more.

REQUEST NO. 31:

All MARKETABLE SECURITIES owned by YOU or YOUR spouse which are not held in YOUR Merrill Lynch account.

REQUEST NO. 32:

All DOCUMENTS which identify, describe, reflect or refer to any safe deposit box to which YOU or YOUR spouse has access.

REQUEST NO. 33:

All safe deposit box keys to any safe deposit box to which YOU or YOUR spouse has access.

REQUEST NO. 34:

All DOCUMENTS which constitute, reflect or refer to communications between YOU any other person or entity (other than YOUR current counsel) concerning the transfer of funds in an amount of \$500.00 or more out of the Wells Fargo ACCOUNTS described in Request No. 7 or the Merrill Lynch accounts described in Request No. 11 which occurred at any time from May 1, 2021 through the date of YOUR appearance for the judgment debtor examination.

REQUEST NO. 35:

All DOCUMENTS which constitute, reflect or refer to communications between YOU any other person or entity (other than YOUR current counsel) concerning YOUR transfer of any personal assets, community property assets or trust assets having a value of \$500.00 or more to any other person or entity which transfer occurred at any time from May 1, 2021 through the date of YOUR appearance for the judgment debtor examination.

REQUEST NO. 36:

All DOCUMENTS which constitute, reflect or refer to communications between YOU any other person or entity (other than YOUR current counsel) concerning the judgment entered against YOU in this case. This includes, but is not limited to, all communications between YOU and any employees of Southern California Research, LLC and all communications between YOU and any other defendant or former defendant in this lawsuit.

AT-138/EJ-125

| | | |
|---|--|--------------------------|
| ATTORNEY OR PARTY WITHOUT ATTORNEY: NAME: SHERYL D. NOEL #172551 FIRM NAME: COLEMAN & HOROWITT, LLP STREET ADDRESS: 499 West Shaw Avenue, Suite 116 CITY: Fresno TELEPHONE NO.: (559) 248-4820 E-MAIL ADDRESS: snoel@ch-law.com ATTORNEY FOR (name): SOUTHWESTERN RESEARCH, INC., a California corporation | STATE BAR NO.: STATE: CA ZIP CODE: 93704 FAX NO.: (559) 248-0130 | FOR COURT USE ONLY |
| SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES STREET ADDRESS: 6230 Sylmar Avenue MAILING ADDRESS: same as above CITY AND ZIP CODE: Van Nuys, CA 91401 BRANCH NAME: Unlimited Civil | | |
| PLAINTIFF LOIS FRIEDMAN, et al. DEFENDANT JOHN MURPHY, M.D., et al. | | |
| APPLICATION AND ORDER FOR APPEARANCE AND EXAMINATION <input checked="" type="checkbox"/> ENFORCEMENT OF JUDGMENT <input type="checkbox"/> ATTACHMENT (Third Person) <input checked="" type="checkbox"/> Judgment Debtor <input type="checkbox"/> Third Person | | CASE NUMBER: SC121128 |

ORDER TO APPEAR FOR EXAMINATION

1. TO (name): DARRELL MAAG
2. YOU ARE ORDERED TO APPEAR personally before this court, or before a referee appointed by the court, to
 - a. ☒ furnish information to aid in enforcement of a money judgment against you.
 - b. ☐ answer concerning property of the judgment debtor in your possession or control or concerning a debt you owe the judgment debtor.
 - c. ☐ answer concerning property of the defendant in your possession or control or concerning a debt you owe the defendant that is subject to attachment.

Date: January 14, 2022 Time: 8:30 a.m. Dept. or Div.: A Rm.:
Address of court ☒ is shown above ☐ is:

3. This order may be served by a sheriff, marshal, registered process server, or the following specially appointed person (name):

Date: 11/29/2021

Huey P. Cotton

JUDGE

This order must be served not less than 10 days before the date set for the examination.

IMPORTANT NOTICES ON REVERSE

APPLICATION FOR ORDER TO APPEAR FOR EXAMINATION

4. ☒ Original judgment creditor ☐ Assignee of record ☐ Plaintiff who has a right to attach order applies for an order requiring (name): DARRELL MAAG to appear and furnish information to aid in enforcement of the money judgment or to answer concerning property or debt.
5. The person to be examined is
 - a. ☒ the judgment debtor.
 - b. ☐ a third person (1) who has possession or control of property belonging to the judgment debtor or the defendant or (2) who owes the judgment debtor or the defendant more than \$250. An affidavit supporting this application under Code of Civil Procedure section 491.110 or 708.120 is attached.
6. The person to be examined resides or has a place of business in this county or within 150 miles of the place of examination.
7. ☐ This court is not the court in which the money judgment is entered or (attachment only) the court that issued the writ of attachment. An affidavit supporting an application under Code of Civil Procedure section 491.150 or 708.160 is attached.
8. ☐ The judgment debtor has been examined within the past 120 days. An affidavit showing good cause for another examination is attached.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: November 22, 2021

SHERYL D. NOEL

(TYPE OR PRINT NAME)

(Continued on reverse)

(SIGNATURE OF DECLARANT)

Page 1 of 2

Electronically Received 11/22/2021 11:15 AM

Information for Judgment Creditor Regarding Service

If you want to be able to ask the court to enforce the order on the judgment debtor or any third party, you must have a copy of the order personally served on the judgment debtor by a sheriff, marshal, registered process server, or the person appointed in item 3 of the order at least 10 calendar days before the date of the hearing, and have a proof of service filed with the court.

IMPORTANT NOTICES ABOUT THE ORDER

APPEARANCE OF JUDGMENT DEBTOR (ENFORCEMENT OF JUDGMENT)

NOTICE TO JUDGMENT DEBTOR If you fail to appear at the time and place specified in this order, you may be subject to arrest and punishment for contempt of court, and the court may make an order requiring you to pay the reasonable attorney fees incurred by the judgment creditor in this proceeding.

APPEARANCE OF A THIRD PERSON (ENFORCEMENT OF JUDGMENT)

(1) NOTICE TO PERSON SERVED If you fail to appear at the time and place specified in this order, you may be subject to arrest and punishment for contempt of court, and the court may make an order requiring you to pay the reasonable attorney fees incurred by the judgment creditor in this proceeding.

(2) NOTICE TO JUDGMENT DEBTOR The person in whose favor the judgment was entered in this action claims that the person to be examined under this order has possession or control of property that is yours or owes you a debt. This property or debt is as follows (*describe the property or debt*):

If you claim that all or any portion of this property or debt is exempt from enforcement of the money judgment, you must file your exemption claim in writing with the court and have a copy personally served on the judgment creditor not later than three days before the date set for the examination. You must appear at the time and place set for the examination to establish your claim of exemption or your exemption may be waived.

APPEARANCE OF A THIRD PERSON (ATTACHMENT)

NOTICE TO PERSON SERVED If you fail to appear at the time and place specified in this order, you may be subject to arrest and punishment for contempt of court, and the court may make an order requiring you to pay the reasonable attorney fees incurred by the plaintiff in this proceeding.

**APPEARANCE OF A CORPORATION, PARTNERSHIP,
ASSOCIATION, TRUST, OR OTHER ORGANIZATION**

It is your duty to designate one or more of the following to appear and be examined: officers, directors, managing agents, or other persons who are familiar with your property and debts.



Request for Accommodations. Assistive listening systems, computer-assisted real-time captioning, or sign language interpreter services are available if you ask at least 5 days before your hearing. Contact the clerk's office for *Request for Accommodation* (form MC-410). (Civil Code, § 54.8.)

Exhibit 7

| | |
|--|--------------------------|
| ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address) SHERYL D. NOEL #172551 COLEMAN & HOROWITT, LLP 499 West Shaw Avenue, Suite 116 Fresno, California 93704 TELEPHONE NO: (559) 248-4820 FAX NO: (559) 248-0130 E-MAIL ADDRESS: snoel@ch-law.com ATTORNEY FOR (Name) SOUTHWESTERN RESEARCH, INC., a California corporation | FOR COURT USE ONLY |
| NAME OF COURT: Los Angeles County Superior Court STREET ADDRESS: 6230 Sylmar Avenue MAILING ADDRESS: same as above CITY AND ZIP CODE: Van Nuys, CA 91401 BRANCH NAME: Unlimited Civil | |
| PLAINTIFF/PETITIONER: LOIS FRIEDMAN, et al. | |
| DEFENDANT/RESPONDENT: JOHN MURPHY, M.D., et al. | |
| CIVIL SUBPOENA (DUCES TECUM) for Personal Appearance and Production of Documents, Electronically Stored Information, and Things at Trial or Hearing and DECLARATION | CASE NUMBER: SC121128 |

THE PEOPLE OF THE STATE OF CALIFORNIA, TO (name, address, and telephone number of witness, if known):

DARRELL MAAG, Chief Executive Officer of SOUTHERN CALIFORNIA RESEARCH, LLC

1. YOU ARE ORDERED TO APPEAR AS A WITNESS in this action at the date, time, and place shown in the box below UNLESS your appearance is excused as indicated in box 3b below or you make an agreement with the person named in item 4 below.

| |
|--|
| a. Date: January 14, 2022 Time: 8:30 a.m. <input checked="" type="checkbox"/> Dept.: A <input type="checkbox"/> Div.: <input type="checkbox"/> Room: |
| b. Address: 6230 Sylmar Avenue, Van Nuys, CA 91401 |

2. IF YOU HAVE BEEN SERVED WITH THIS SUBPOENA AS A CUSTODIAN OF CONSUMER OR EMPLOYEE RECORDS UNDER CODE OF CIVIL PROCEDURE SECTION 1985.3 OR 1985.6 AND A MOTION TO QUASH OR AN OBJECTION HAS BEEN SERVED ON YOU, A COURT ORDER OR AGREEMENT OF THE PARTIES, WITNESSES, AND CONSUMER OR EMPLOYEE AFFECTED MUST BE OBTAINED BEFORE YOU ARE REQUIRED TO PRODUCE CONSUMER OR EMPLOYEE RECORDS.

3. YOU ARE (item a or b must be checked):

- a. ☒ Ordered to appear in person and to produce the records described in the declaration on page two or the attached declaration or affidavit. The personal attendance of the custodian or other qualified witness and the production of the original records are required by this subpoena. The procedure authorized by Evidence Code sections 1560(b), 1561, and 1562 will not be deemed sufficient compliance with this subpoena.
- b. ☐ Not required to appear in person if you produce (i) the records described in the declaration on page two or the attached declaration or affidavit and (ii) a completed declaration of custodian of records in compliance with Evidence Code sections 1560, 1561, 1562, and 1271. (1) Place a copy of the records in an envelope (or other wrapper). Enclose the original declaration of the custodian with the records. Seal the envelope. (2) Attach a copy of this subpoena to the envelope or write on the envelope the case name and number; your name; and the date, time, and place from item 1 in the box above. (3) Place this first envelope in an outer envelope, seal it, and mail it to the clerk of the court at the address in item 1. (4) Mail a copy of your declaration to the attorney or party listed at the top of this form.

4. IF YOU HAVE ANY QUESTIONS ABOUT THE TIME OR DATE YOU ARE TO APPEAR, OR IF YOU WANT TO BE CERTAIN THAT YOUR PRESENCE IS REQUIRED, CONTACT THE FOLLOWING PERSON BEFORE THE DATE ON WHICH YOU ARE TO APPEAR:

a. Name of subpoenaing party or attorney: SHERYL D. NOEL b. Telephone number: (559) 248-4820

5. **Witness Fees:** You are entitled to witness fees and mileage actually traveled both ways, as provided by law, if you request them at the time of service. You may request them before your scheduled appearance from the person named in item 4.

DISOBEDIENCE OF THIS SUBPOENA MAY BE PUNISHED AS CONTEMPT BY THIS COURT. YOU WILL ALSO BE LIABLE FOR THE SUM OF FIVE HUNDRED DOLLARS AND ALL DAMAGES RESULTING FROM YOUR FAILURE TO OBEY.

Date issued: November 22, 2021

SHERYL D. NOEL

(TYPE OR PRINT NAME)

(SIGNATURE OF PERSON ISSUING SUBPOENA)
Attorney for Judgment Creditor, SOUTHWESTERN
RESEARCH, INC., a California corporation
(TITLE)

(Declaration in support of subpoena on reverse)

Page 1 of 3

SUBP-002

| | |
|---|-------------------------|
| PLAINTIFF/PETITIONER: LOIS FRIEDMAN, et al | CASE NUMBER SC121128 |
| DEFENDANT/RESPONDENT JOHN MURPHY, M.D., et al | |

The production of the documents, electronically stored information, or other things sought by the subpoena on page one is supported by (check one):

☐ the attached affidavit or ☒ the following declaration:

DECLARATION IN SUPPORT OF CIVIL SUBPOENA (DUCES TECUM) FOR PERSONAL APPEARANCE AND PRODUCTION OF DOCUMENTS, ELECTRONICALLY STORED INFORMATION, AND THINGS AT TRIAL OR HEARING
(Code Civ. Proc., §§ 1985, 1987.5)

1. I, the undersigned, declare I am the ☐ plaintiff ☐ defendant ☐ petitioner ☐ respondent
☒ attorney for (specify): SOUTHWESTERN RESEARCH, ☐ other (specify):
in the above-entitled action, INC., a California corporation
2. The witness has possession or control of the documents, electronically stored information, or other things listed below, and shall produce them at the time and place specified in the Civil Subpoena for Personal Appearance and Production of Records at Trial or Hearing on page one of this form (specify the exact documents or other things to be produced; if electronically stored information is demanded, the form or forms in which each type of information is to be produced may be specified):

The documents set forth in Exhibit "A."

☐ Continued on Attachment 2.

3. Good cause exists for the production of the documents, electronically stored information, or other things described in paragraph 2 for the following reasons:

They will assist the judgment creditor in obtaining information to satisfy its judgment.

☐ Continued on Attachment 3.

4. The documents, electronically stored information, or other things described in paragraph 2 are material to the issues involved in this case for the following reasons:

They will assist the judgment creditor in obtaining information to satisfy its judgment.

☐ Continued on Attachment 4.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date November 22, 2021

SHERYL D. NOEL

(TYPE OR PRINT NAME)

(SIGNATURE OF

☐ SUBPOENAING PARTY

☒ ATTORNEY FOR
SUBPOENAING PARTY)

Request for Accommodations

Assistive listening systems, computer-assisted real-time captioning, or sign language interpreter services are available if you ask at least five days before the date on which you are to appear. Contact the clerk's office or go to www.courts.ca.gov/forms for Request for Accommodations by Persons With Disabilities and Response (form MC-410). (Civil Code, § 54.8.)



(Proof of service on page 3)

SUBP-002 [Rev. January 1, 2012]

CEB Essential
Forms

**CIVIL SUBPOENA (DUCES TECUM) for Personal Appearance and
Production of Documents, Electronically Stored Information, and Things at
Trial or Hearing and DECLARATION**

Page 2 of 3

EXHIBIT B
Page 130

SUBP-002

| | |
|---|-------------------------|
| PLAINTIFF/PETITIONER: LOIS FRIEDMAN, et al. | CASE NUMBER SC121128 |
| DEFENDANT/RESPONDENT: JOHN MURPHY, M.D., et al. | |

PROOF OF SERVICE OF CIVIL SUBPOENA (DUCES TECUM) for Personal Appearance and Production of Documents, Electronically Stored Information, and Things at Trial or Hearing and DECLARATION

1. I served this *Civil Subpoena (Duces Tecum) for Personal Appearance and Production of Documents, Electronically Stored Information, and Things at Trial or Hearing and Declaration* by personally delivering a copy to the person served as follows:
 - a. Person served (name):
 - b. Address where served:
 - c. Date of delivery:
 - d. Time of delivery:
 - e. Witness fees (check one):
 - (1) ☐ were offered or demanded and paid. Amount: _____ \$
 - (2) ☐ were not demanded or paid.
 - f. Fee for service: _____ \$
2. I received this subpoena for service on (date):
3. Person serving:
 - a. ☐ Not a registered California process server.
 - b. ☐ California sheriff or marshal.
 - c. ☐ Registered California process server.
 - d. ☐ Employee or independent contractor of a registered California process server.
 - e. ☐ Exempt from registration under Business and Professions Code section 22350(b).
 - f. ☐ Registered professional photocopier.
 - g. ☐ Exempt from registration under Business and Professions Code section 22451.
 - h. Name, address, telephone number, and, if applicable, county of registration and number:

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

(For California sheriff or marshal use only)
I certify that the foregoing is true and correct.

Date:

Date:

(SIGNATURE)

(SIGNATURE)

EXHIBIT A

ITEMS TO BE PRODUCED AT JUDGMENT DEBTOR EXAM

SPECIALLY DEFINED TERMS

For the purpose of this subpoena, the following definitions shall apply to each of the Requests:

- A. The terms "YOU" and "YOUR" and "SCR" refer to defendant Southern California Research, LLC and to all members, officers, employees or agents acting on its behalf.
- B. "FINANCIAL INSTITUTION" means any bank, savings and loan, credit union, brokerage house or investment firm.
- C. "MARKETABLE SECURITY" means any security regularly sold or traded in any public market, including, but not limited to the New York Stock Exchange, American Stock Exchange, NASDAQ, or any regional or foreign stock exchange.
- D. "MUTUAL FUND" means a financial investment vehicle which consists of a pool of money collected from multiple investors which is invested in MARKETABLE SECURITIES, bonds, money market instruments, and/or other assets. Mutual funds are operated by professional money managers, who allocate the fund's assets and attempt to produce capital gains or income for the fund's investors according to investment objectives stated in a written prospectus.
- E. "BONDS" means one or more instruments of indebtedness issued to the holders of such indebtedness which provides for the payment of interest on the debt at a specified rate, or which is sold on its original issue at a discount from the stated or face value of the bond payable at maturity. The most common types of bonds are government-issued bonds and corporate bonds.
- F. "PRECIOUS METALS" means gold, silver, platinum and palladium in their purified metallic bullion form as sold in the precious metal markets in specified weights.
- G. "ACCOUNT" with a "FINANCIAL INSTITUTION" means any type of bank account, money market account, investment account or credit card account.
- H. The terms "DOCUMENT" and "DOCUMENTS" mean and include any "writing," "original," or "duplicate," as defined by California Evidence Code § 250, § 255, and § 260, respectively.

1
2 “DOCUMENT” also includes information stored in electronic format on a computer or smart phone, or
3 on a computer disk, diskette, tape or card, or in “cloud storage,” and includes but is not limited to e-
4 mails, text messages, spreadsheets, word processing documents, PDF files and other types of electronic
5 or software files, as well as any electronic recording, tape recording, photograph, video, file, microfilm,
6 microfiche, or similar recording of words, images, sounds, pictures, or information of any kind. As used
7 herein, every non-identical copy (i.e., any document initially identical in all respects to another
8 document, which is no longer identical by virtue of attachments thereto, or by virtue of any notation or
9 modification of any kind including, without limiting the generality of the foregoing, notes or
10 modifications on the backs or margins of pages thereof, or on copies thereof) of a document is a separate
11 document and is to be produced in response to these Demands for Inspection. “DOCUMENTS” includes
12 all items which were either physically or electronically attached to, or enclosed with, a responsive
13 “writing” (as defined in Evidence Code § 250). “DOCUMENTS” also includes all “writings” (as defined
14 in Evidence Code § 250) for which an electronic link or url address was included in another responsive
15 DOCUMENT, such as documents contained in cloud storage accounts for which an electronic link was
16 provided in a responsive DOCUMENT, including items such as ShareFile documents, DropBox
17 documents or any other documents stored or located in other cloud storage accounts. Any DOCUMENT
18 that is responsive only in part to any description herein shall also be produced.

19 **DOCUMENTS TO BE PRODUCED**

20 **REQUEST NO. 1:**

21 Copies of all ACCOUNT statements SCR received, or which were made available to SCR on the
22 internet, from any FINANCIAL INSTITUTION with respect to any ACCOUNT which SCR maintained
23 with such FINANCIAL INSTITUTION for the period from April 1, 2021 through the date of YOUR
24 appearance for the judgment debtor examination. This request includes all bank or investment
25 ACCOUNT statements and any ACCOUNT statements referring to or reflecting ownership of
26 MARKETABLE SECURITIES, MUTUAL FUNDS, BONDS, PRECIOUS METALS or any other
27 assets. (NOTE: if YOU do not possess paper copies of the ACCOUNT statements YOU are required to

download and produce electronic (PDF) copies of such statements since these items are under YOUR control).

REQUEST NO. 2:

Copies of all checks issued on the ACCOUNTS described in Request No.1 from April 1, 2021 through the date of YOUR appearance for the judgment debtor examination in an amount of \$1,000.00 or more, but excluding copies of payroll checks issued to persons other than Darrell Maag. (NOTE: if YOU do not possess paper copies of the checks requested, YOU are required to download and produce electronic (PDF) copies of such canceled checks since these items are under YOUR control).

REQUEST NO. 3:

A print out of the checking account registers for each of the ACCOUNTS described in Request No. 1 for the period from April 1, 2021 to the date of YOUR appearance for the judgment debtor examination from YOUR Quickbooks software.

REQUEST NO. 4:

Complete copies of the ACCOUNT statements issued by Wells Fargo Bank N.A. for the period from April 1, 2021 through the date of YOUR appearance for the judgment debtor examination for each ACCOUNT which YOU maintained with Wells Fargo bank during that time period. (NOTE: if YOU do not possess paper copies of the ACCOUNT statements YOU are required to download and produce electronic (PDF) copies of such statements since these items are under YOUR control).

REQUEST NO. 5:

Copies of all checks issued on the ACCOUNTS described in Request No. 4 from April 1, 2021 through the date of YOUR appearance for the judgment debtor examination in an amount of \$1,000 or more, but excluding copies of payroll checks issued to persons other than Darrell Maag. (NOTE: if YOU do not possess paper copies of the checks requested, YOU are required to download and produce electronic (PDF) copies of such canceled checks since these items are under YOUR control).

REQUEST NO. 6:

A print out of the checking account registers for each of the ACCOUNTS described in Request

No. 4 for the period from April 1, 2021 to the date of YOUR appearance for the judgment debtor examination from YOUR Quickbooks software.

REQUEST NO. 7:

All DOCUMENTS which evidence, reflect or refer to any transfer of funds out of the ACCOUNTS described in Request No. 4 during the period from April 1, 2021 through the date of YOUR appearance for the judgment debtor examination in an amount of \$1,000.00 or more, but excluding payroll checks issued to persons other than Darrell Maag. This includes, but is not limited to, wire transfer confirmation statements and all correspondence or email communications which occurred in connection with each such transfer.

REQUEST NO. 8:

Complete copies of the ACCOUNT statements issued by U.S. Bank for the period from January 1, 2020 through the date of YOUR appearance for the judgment debtor examination for each ACCOUNT which YOU maintained with U.S. Bank during that time period. (NOTE: if YOU do not possess paper copies of the ACCOUNT statements YOU are required to download and produce electronic (PDF) copies of such statements since these items are under YOUR control).

REQUEST NO. 9:

Copies of all checks issued on the ACCOUNTS described in Request No. 8 from January 1, 2020 through the date of YOUR appearance for the judgment debtor examination in an amount of \$1,000.00 or more, but excluding copies of payroll checks issued to persons other than Darrell Maag. (NOTE: if YOU do not possess paper copies of the checks requested, YOU are required to download and produce electronic (PDF) copies of such canceled checks since these items are under YOUR control).

REQUEST NO. 10:

A print out of the checking account registers for each of the ACCOUNTS described in Request No. 8 for the period from January 1, 2020 to the date of YOUR appearance for the judgment debtor examination from YOUR Quickbooks software.

REQUEST NO. 11:

1
2 All DOCUMENTS which evidence, reflect or refer to any transfer of funds out of the
3 ACCOUNTS described in Request No. 8 during the period from January 1, 2020 through the date of
4 YOUR appearance for the judgment debtor examination in an amount of \$1,000.00 or more, but
5 excluding payroll checks issued to persons other than Darrell Maag. This includes, but is not limited to,
6 wire transfer confirmation statements and all correspondence or email communications which occurred
7 in connection with each such transfer.

8 **REQUEST NO. 12:**

9 One or more DOCUMENTS which collectively contain a complete list of each debt SCR is owed
10 or any account receivable which is currently payable to SCR.

11 **REQUEST NO. 13:**

12 One or more DOCUMENTS which collectively contain a complete list of the amounts due to be
13 paid to SCR (whether or not such amount is currently payable) in connection with the clinical trials SCR
14 has been engaged to perform.

15 **REQUEST NO. 14:**

16 One or more DOCUMENTS which collectively contain a complete list of the amounts projected
17 or estimated to become due to SCR in connection with the clinical trials SCR has been engaged to
18 perform.

19 **REQUEST NO. 15:**

20 All invoices issued by SCR in connection with clinical trials which remain outstanding and
21 unpaid.

22 **REQUEST NO. 16:**

23 One or more DOCUMENTS which collectively contain a complete list of the clinical trials on
24 which SCR has performed services at any time from January 1, 2020 to date.

25 **REQUEST NO. 17:**

26 Copies of the Clinical Trial Agreements (and any amendments thereto) for each of the clinical
27 trials on which SCR has performed services at any time from January 1, 2020 to date.

REQUEST NO. 18:

All loan applications which SCR submitted or caused to be submitted to any person or entity since January 1, 2020.

REQUEST NO. 19:

YOUR Federal and California income tax returns (with all schedules) for the year 2020. [See Weingarten v. Superior Court 102 Cal.App.4th 268, 276-277 (2002) and Li v. Yan, 247 Cal.App.4th 56, 66-68 (2016) and the Court's Order dated May 17, 2021 compelling Diane Savoian CPA to produce copies of YOUR tax returns.]

REQUEST NO. 20:

All DOCUMENTS showing YOUR financial condition, income, assets and/or net worth from January 1, 2021 to the present.

REQUEST NO. 21:

Complete copies of the loan applications YOU submitted or caused to be submitted to the Small Business Administration to obtain the PPP loans which were received by SCR during 2020 and 2021. This includes copies of all DOCUMENTS which YOU submitted or caused to be submitted in connection with the loan application concerning YOUR financial condition, income, assets and/or net worth.

REQUEST NO. 22:

A complete copy of SCR's Quickbooks software data current as of the day preceding YOUR appearance for the Judgment Debtor Examination.

AT-138/EJ-125

| | | |
|---|--|--------------------------------------|
| ATTORNEY OR PARTY WITHOUT ATTORNEY: NAME: SHERYL D. NOEL #172551 FIRM NAME: COLEMAN & HOROWITT, LLP STREET ADDRESS: 499 West Shaw Avenue, Suite 116 CITY: Fresno TELEPHONE NO.: (559) 248-4820 E-MAIL ADDRESS: snoel@ch-law.com ATTORNEY FOR (name): SOUTHWESTERN RESEARCH, INC., a California corporation | | STATE BAR NO.: FOR COURT USE ONLY |
| SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES STREET ADDRESS: 6230 Sylmar Avenue MAILING ADDRESS: same as above CITY AND ZIP CODE: Van Nuys, CA 91401 BRANCH NAME: Unlimited Civil | | |
| PLAINTIFF LOIS FRIEDMAN, et al. DEFENDANT JOHN MURPHY, M.D., et al. | | |
| APPLICATION AND ORDER FOR APPEARANCE AND EXAMINATION <input checked="" type="checkbox"/> ENFORCEMENT OF JUDGMENT <input type="checkbox"/> ATTACHMENT (Third Person) <input checked="" type="checkbox"/> Judgment Debtor <input type="checkbox"/> Third Person | | CASE NUMBER: SC121128 |

ORDER TO APPEAR FOR EXAMINATION

- TO (name): DARRELL MAAG, Chief Executive Officer of SOUTHERN CALIFORNIA RESEARCH, LLC
- YOU ARE ORDERED TO APPEAR personally before this court, or before a referee appointed by the court, to
 - ☒ furnish information to aid in enforcement of a money judgment against you.
 - ☐ answer concerning property of the judgment debtor in your possession or control or concerning a debt you owe the judgment debtor.
 - ☐ answer concerning property of the defendant in your possession or control or concerning a debt you owe the defendant that is subject to attachment.

Date: January 14, 2022 Time: 8:30 a.m. Dept. or Div.: A Rm.:
 Address of court ☒ is shown above ☐ is:

- This order may be served by a sheriff, marshal, registered process server, or the following specially appointed person (name):

Date: 11/29/2021

Huey P. Cotton

JUDGE

This order must be served not less than 10 days before the date set for the examination.

IMPORTANT NOTICES ON REVERSE**APPLICATION FOR ORDER TO APPEAR FOR EXAMINATION**

- ☒ Original judgment creditor ☐ Assignee of record ☐ Plaintiff who has a right to attach order
 applies for an order requiring (name): DARRELL MAAG, Chief Executive Officer of SOUTHERN CALIFORNIA RESEARCH, LLC
 to appear and furnish information to aid in enforcement of the money judgment or to answer concerning property or debt.
- The person to be examined is
 - ☒ the judgment debtor.
 - ☐ a third person (1) who has possession or control of property belonging to the judgment debtor or the defendant or (2) who owes the judgment debtor or the defendant more than \$250. An affidavit supporting this application under Code of Civil Procedure section 491.110 or 708.120 is attached.
- The person to be examined resides or has a place of business in this county or within 150 miles of the place of examination.
- ☐ This court is not the court in which the money judgment is entered or (attachment only) the court that issued the writ of attachment. An affidavit supporting an application under Code of Civil Procedure section 491.150 or 708.160 is attached.
- ☐ The judgment debtor has been examined within the past 120 days. An affidavit showing good cause for another examination is attached.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: November 22, 2021

SHERYL D. NOEL

(TYPE OR PRINT NAME)

(Continued on reverse)

(SIGNATURE OF DECLARANT)

Page 1 of 2

Information for Judgment Creditor Regarding Service

If you want to be able to ask the court to enforce the order on the judgment debtor or any third party, you must have a copy of the order personally served on the judgment debtor by a sheriff, marshal, registered process server, or the person appointed in item 3 of the order at least 10 calendar days before the date of the hearing, and have a proof of service filed with the court.

IMPORTANT NOTICES ABOUT THE ORDER

APPEARANCE OF JUDGMENT DEBTOR (ENFORCEMENT OF JUDGMENT)

NOTICE TO JUDGMENT DEBTOR If you fail to appear at the time and place specified in this order, you may be subject to arrest and punishment for contempt of court, and the court may make an order requiring you to pay the reasonable attorney fees incurred by the judgment creditor in this proceeding.

APPEARANCE OF A THIRD PERSON (ENFORCEMENT OF JUDGMENT)

(1) **NOTICE TO PERSON SERVED** If you fail to appear at the time and place specified in this order, you may be subject to arrest and punishment for contempt of court, and the court may make an order requiring you to pay the reasonable attorney fees incurred by the judgment creditor in this proceeding.

(2) **NOTICE TO JUDGMENT DEBTOR** The person in whose favor the judgment was entered in this action claims that the person to be examined under this order has possession or control of property that is yours or owes you a debt. This property or debt is as follows (*describe the property or debt*):

If you claim that all or any portion of this property or debt is exempt from enforcement of the money judgment, you must file your exemption claim in writing with the court and have a copy personally served on the judgment creditor not later than three days before the date set for the examination. You must appear at the time and place set for the examination to establish your claim of exemption or your exemption may be waived.

APPEARANCE OF A THIRD PERSON (ATTACHMENT)

NOTICE TO PERSON SERVED If you fail to appear at the time and place specified in this order, you may be subject to arrest and punishment for contempt of court, and the court may make an order requiring you to pay the reasonable attorney fees incurred by the plaintiff in this proceeding.

**APPEARANCE OF A CORPORATION, PARTNERSHIP,
ASSOCIATION, TRUST, OR OTHER ORGANIZATION**

It is your duty to designate one or more of the following to appear and be examined: officers, directors, managing agents, or other persons who are familiar with your property and debts.



Request for Accommodations. Assistive listening systems, computer-assisted real-time captioning, or sign language interpreter services are available if you ask at least 5 days before your hearing. Contact the clerk's office for *Request for Accommodation* (form MC-410). (Civil Code, § 54.8.)

PROOF OF SERVICE OF DOCUMENT

I am over the age of 18 and not a party to this bankruptcy case or adversary proceeding. My business address is:
16030 Ventura Blvd., Suite 470, Encino, CA 91436

A true and correct copy of the foregoing document entitled **FIRST AMENDED COMPLAINT FOR:**

- 1) **AVOIDANCE OF PREFERENTIAL TRANSFERS PURSUANT TO 11 U.S.C. § 547;**
- 2) **RECOVERY OF PREFERENTIAL TRANSFERS PURSUANT TO 11 U.S.C. § 550;**
- 3) **PRESERVATION OF AVOIDED TRANSFERS PURSUANT TO 11 U.S.C. § 551; and**
- 4) **DISALLOWANCE OF ANY CLAIMS HELD BY DEFENDANTS PURSUANT TO 11 U.S.C. § 502(d)**

will be served or was served (a) on the judge in chambers in the form and manner required by LBR 5005-2(d); and (b) in the manner stated below:

1. TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF): Pursuant to controlling General Orders and LBR, the foregoing document will be served by the court via NEF and hyperlink to the document. On March 29, 2022, I checked the CM/ECF docket for this bankruptcy case or adversary proceeding and determined that the following persons are on the Electronic Mail Notice List to receive NEF transmission at the email addresses stated below:

ATTORNEY FOR CREDITOR: J Scott Bovitz boviz@bovitz-spitzer.com
ATTORNEY FOR PLAINTIFF: Craig G Margulies Craig@MarguliesFaithlaw.com,
Vicky@MarguliesFaithlaw.com;Helen@MarguliesFaithlaw.com;Angela@MarguliesFaithlaw.com
ATTORNEY FOR US TRUSTEE: Kristin T Mihelic kristin.t.mihelic@usdoj.gov
ATTORNEY FOR PLAINTIFF Monserrat Morales Monsi@MarguliesFaithLaw.com,
Vicky@MarguliesFaithLaw.com;Helen@marguliesfaithlaw.com;Angela@MarguliesFaithlaw.com
United States Trustee (ND) ustpregion16.nd.ecf@usdoj.gov
ATTORNEY FOR PLAINTIFF: James R Selth jim@wsrlaw.net, jselth@yahoo.com;vinnet@ecf.inforuptcy.com
ATTORNEY FOR PLAINTIFF: Daniel J Weintraub dan@wsrlaw.net, vinnet@ecf.inforuptcy.com

☐ Service information continued on attached page

2. SERVED BY UNITED STATES MAIL:

On March 29, 2022, I served the following persons and/or entities at the last known addresses in this bankruptcy case or adversary proceeding by placing a true and correct copy thereof in a sealed envelope in the United States mail, first class, postage prepaid, and addressed as follows. Listing the judge here constitutes a declaration that mailing to the judge will be completed no later than 24 hours after the document is filed.

JUDGE: Hon. Deborah J. Saltzman United States Bankruptcy 255 E. Temple Street, Ctrtm 1639 Los Angeles, CA 90012

☐ Service information continued on attached page

3. SERVED BY PERSONAL DELIVERY, OVERNIGHT MAIL, FACSIMILE TRANSMISSION OR EMAIL (state method for each person or entity served): Pursuant to F.R.Civ.P. 5 and/or controlling LBR, on _____, I served the following persons and/or entities by personal delivery, overnight mail service, or (for those who consented in writing to such service method), by facsimile transmission and/or email as follows. Listing the judge here constitutes a declaration that personal delivery on, or overnight mail to, the judge will be completed no later than 24 hours after the document is filed.

☐ Service information continued on attached page

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

March 29, 2022
Date

Angela Saba
Printed Name

/s/ Angela Saba
Signature

EXHIBIT C

LAW OFFICES OF
DONALD L. CORNWELL, P.C.
11766 WILSHIRE BOULEVARD
SUITE 700
LOS ANGELES, CALIFORNIA 90025
March 14, 2022

TELEPHONE
(310) 477-3111

TELECOPIER
(310) 477-3110

Sent via Email

Craig G. Margulies, Esq.
MARGULIES FAITH, LLP
16030 Ventura Blvd., Suite 470
Encino, California 91436

Re: Southern California Research and Darrell Maag v. Lois Friedman and Southwestern Research Inc., Adv. No.: 9:22-ap-01012-DS

Mr. Margulies:

I am writing to formally meet and confer with you regarding the Adversary Complaint (Preference Action) you have recently filed and served on behalf of Southern California Research, LLC (“SCR”) and Darrell Maag against my clients Lois Friedman, the Trustee of the Dennis Munjack Inter Vivos Trust (“the Trust”) and Southwestern Research, Inc. (“SRI.”) While I understand the purpose for your filing of the action, and Scott Bovitz will address the adversary complaint on behalf of SRI, there are several problems with your adversary complaint as to the Trust which need to be addressed, as discussed below.

1. You served the Complaint on the Trust, purportedly filed on behalf of both Mr. Maag and SCR, after the Bankruptcy Court effectively removed your firm as counsel for SCR

Your office electronically served the complaint on me (on behalf of the Dennis Munjack Inter Vivos Trust, or “the Trust”) on March 8, 2022 at 1:53 p.m. The Bankruptcy Court removed your firm as counsel for SCR earlier on March 8. Whether your firm had authority to serve the Trust with an adversary complaint filed on behalf of SCR after its removal as counsel for SCR is at least questionable. In all events, for the reasons explained below, there will need to be an amended complaint filed by a new counsel acting on behalf of SCR. Hopefully the new counsel will understand that the Trust was never properly named as a party to begin with for the reasons discussed below. If not, that is what Rule 9011 is intended for.

2. You have improperly named the Trust as party to the adversary action, when the Trust was not a party to any of the lien filings you seek to set aside and did not receive one dollar from any levy on Maag or SCR bank accounts.

While I will leave it to you and Mr. Bovitz to work out the resolution of the adversary claims asserted against SRI by Mr. Maag, the principal purpose of this letter is to meet and confer with you to in order to obtain Mr. Maag’s agreement to dismiss the action voluntarily without prejudice as to the Trust (acknowledging the administrative/procedural issues that will have to be dealt with due to your joint filing in order to secure consent to dismissal from new counsel representing SCR).

You have named the Trust as a defendant in your adversary action despite the fact that the Trust has a judgment of only \$4,200 (jointly and severally) against Mr. Maag and SCR. The Trust was not a party to a single one of the lien filings that were made (many of which are inaccurately listed or omitted in your Complaint.) Similarly, the Trust received no funds in any amount from the bank levies which were done by the Sheriffs’ office on behalf of SRI (as the writs of execution make clear). It is also clear that you knew at the time you filed the Adversary Complaint that the Trust was not a party to any of the lien claims.

Craig Margulies, Esq.
March 14, 2022
Page 2

Your complaint is quite explicit that the judgment lien on personal property filed with the Secretary of State, the Abstract of Judgment and the ORAP lien referred to in your Complaint all named SRI as the sole judgment creditor with respect to such lien filings and (**and did not list the Trust**). See Complaint ¶¶ 13-16 and 20-22. Your Complaint is also explicit that the writs of execution were requested and issued in favor of SRI, **but not the Trust**. *Id.* You are well aware that the funds turned over by the Sheriff's offices were turned over to SRI pursuant to the Writs of Execution – and not the Trust. SRI counsel Coleman & Horowitz received a total of two checks totaling **\$15,424.98** -- (\$336.56 from the Maag accounts and \$15,088.32 from the SCR accounts, copies of which are attached along with the relevant Memoranda of Garnishee). Those funds were deposited into Coleman & Horowitz's trust account on the day they were received and have remained there ever since.

Part of your confusion apparently results from the fact that Wells Fargo levied upon but held \$11,410.57 from the joint account in the name of Darrell Maag and Hunter Maag and never paid the funds over to SRI prior to the bankruptcy filing. See the attached Notice of Levy that was served on Hunter Maag by Wells Fargo. Neither SRI or the Trust has those funds. But that still does not fully explain the discrepancy in your numbers. **Most importantly here, the Trust has not received one penny from any of the levies made on the writs of execution.**

The only allegation in your complaint which makes even passing reference to the Trust is paragraph 17, which states:

“Plaintiffs are informed and believe that, by the Levies, Defendant SRI and/or Defendant Friedman received funds from the bank accounts belonging to Plaintiff SCR (the “SCR Levies”) and Plaintiff Maag (the “Maag Levies”) in amounts not less than \$15,225.32 and \$16,324.52, respectively, in the ninety (90) days prior to the Petition Date.”

That allegation contradicts everything else in the Complaint, which acknowledges that the liens were recorded and the levies were made on behalf of SRI and is, in all events, completely false as to the Trust.

3. Your Complaint is full of errors and thus you are going to have to amend in all events

Your adversary complaint is full of errors which will require correction (in addition to the fact that you've filed a complaint for SCR who you do not represent in the bankruptcy). Let me give you a list:

- Exhibit 1 referenced in your complaint (Ventura County Abstract) was not attached to the Complaint
- Paragraphs 13-14 of your Complaint falsely state that the Abstract of Judgment issued by the Court on November 1, 2021 and recorded in Ventura County name only Darrell Maag as judgment debtor. In truth, Darrell Maag, Southern California Research, LLC and John Murphy were all named as judgment debtors in the Abstracts (in Dr. Murphy's case with a bankruptcy disclaimer).
- You omitted any reference to the JLPP U210096510724 filed by SRI against Darrell Maag with the Secretary of State on October 25, 2021
- You omitted any reference to the Abstract of Judgment against both Mr. Maag and SCR which was recorded by SRI in Los Angeles County on December 6, 2021 as Instrument No. 20211804889

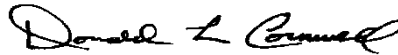
Craig Margulies, Esq.
March 14, 2022
Page 3

- You omitted any reference to the Court's issuance of an ORAP directed to SCR on November 29, 2021
- You omitted any reference to the service of the ORAPs on both Mr. Maag and SCR on December 21, 2021. (It is the service of the ORAP which perfects the lien)
- Your Complaint alleges that the amount of funds obtained by SRI from the bank levies was \$31,549.84 whereas the actual correct total, as established by the two checks received (copies attached along with the Memoranda of Garnishee) was \$15,424.98

The adversary complaint will need to be amended to resolve the above omissions and errors.

I am requesting that your adversary complaint be dismissed without prejudice as to the Trust. If you and Mr. Bovitz are unable to negotiate an acceptable resolution of the adversary claims, you will have a full opportunity to litigate your preference claims against SRI. In the event that the adversary action is not dismissed as to the Trust, we will likely be filing a Rule 12(b)(6) motion to dismiss as well as a Motion for Sanctions under Rule 9011 against you, your law firm and Mr. Maag and SCR. Please advise me promptly whether Mr. Maag will agree to cause the adversary complaint to be dismissed as to the SRI.

Sincerely,



Donald L. Cornwell



**FRESNO COUNTY SHERIFF'S
OFFICE CIVIL UNIT**

P.O. Box 45025, Fresno, CA 93718

21004677

BANK OF THE WEST
2035 Fresno St.
Fresno, California 93721
1-800-488-2265

FUND 2225
33250

Date of Issue
12/12/2021

480607728

PAY TO THE
ORDER OF

COLEMAN & HOROWITT, LLP

\$ ***336.66***

Three Hundred Thirty Six and 66/100DOLLARS

Oscar J Garcia

SHERIFF'S SPEC. DEPOSIT TRUST

VOID SIX MONTHS AFTER ISSUE DATE

16437.00 (Maag)

⑈480607728⑈ ⑆121100782⑆ 097000038⑈



**FRESNO COUNTY SHERIFF'S
OFFICE CIVIL UNIT**

P.O. Box 45025, Fresno, CA 93718

21004676

BANK OF THE WEST
2035 Fresno St.
Fresno, California 93721
1-800-488-2265

FUND 2225
33250

Date of Issue
12/12/2021

480607729

PAY TO THE
ORDER OF

COLEMAN & HOROWITT, LLP

\$ ***15,088.32***

Fifteen Thousand Eighty Eight and 32/100DOLLARS


Oscar J Garcia

SHERIFF'S SPEC. DEPOSIT TRUST

VOID SIX MONTHS AFTER ISSUE DATE

16437.00 (SCR)

⑈480607729⑈ ⑆121100782⑆ 097000038⑈

| | | |
|---|--|--|
| ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): Coleman & Horowitz, LLP 499 West Shaw Avenue #116 Fresno CA 93704 TELEPHONE NO.: 559-248-4820 FAX NO.: 559-248-0130 E-MAIL ADDRESS: ATTORNEY FOR (Name): Lois Friedman | | LEVYING OFFICER (Name and Address): Fresno County Sheriff Office, Civil Unit P. O. Box 45025 Fresno, CA 93718 Phone: 559-600-8230 Fax: 559-600-8322 CA Relay 800-735-2929 TDD or 711 |
| SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: 6230 Sylmar Avenue MAILING ADDRESS: Van Nuys CA 91401 CITY AND ZIP CODE: BRANCH NAME: Van Nuys Courthouse | | LEVYING OFFICER FILE NO.:  21004677 |
| PLAINTIFF/PETITIONER: Lois Friedman DEFENDANT/RESPONDENT: John Murphy, M.D., et al | | COURT CASE NO.: SC121128 |
| MEMORANDUM OF GARNISHEE (Attachment-Enforcement of Judgment) | | |

NOTICE TO PERSON SERVED WITH WRIT AND NOTICE OF LEVY OR NOTICE OF ATTACHMENT: This memorandum must be completed and mailed or delivered to the levying officer within 10 days after service on you of the writ and notice of levy or attachment unless you have fully complied with the levy. Failure to complete and return this memorandum may render you liable for the costs and attorney fees incurred in obtaining the required information.

— RETURN ALL COPIES OF THIS MEMORANDUM TO THE LEVYING OFFICER —

This memorandum does not apply to garnishment of earnings.

\$ 348.66

1. a. Garnishee (name): Wells Fargo Bank
b. Address: 790 W Shaw Avenue Ste 100 Fresno CA 93704
2. Judgment Creditor (name): Southwestern Research, Inc., a California corporation
3. ☐ (Check if applicable.) The garnishee holds neither any property nor any obligations in favor of the judgment debtor.
4. If you will not deliver to the levying officer any property levied upon, describe the property and the reason for not delivering it:

FSO - CIVIL HAS RECEIVED A CHECK IN THE AMOUNT OF \$ 348.66

SEE ATTACHMENT
NO SAFE DEPOSIT BOX

5. For writ of execution only. Describe any property of the judgment debtor not levied upon that is in your possession or under your control:

NOTHING TO REPORT

(Continued on reverse)

Page 1 of 2

| | | |
|---|---------------------------------------|--------------------------|
| SHORT TITLE: Lois Friedman vs. John Murphy, M.D., et al | LEVYING OFFICER FILE NO.: 21004677 | CASE NUMBER: SC121128 |
|---|---------------------------------------|--------------------------|

6. If you owe money to the judgment debtor which you will not pay to the levying officer, describe the amount and the terms of the obligation and the reason for not paying it to the levying officer:

NOTHING TO REPORT

7. Describe the amount and terms of any obligation owed to the judgment debtor that is levied upon but is not yet due and payable:

NOTHING TO REPORT

8. For writ of execution only. Describe the amount and terms of any obligation owed to the judgment debtor that is not levied upon:

NOTHING TO REPORT

9. Describe any claims and rights of other persons to the property or obligation levied upon that are known to you and the names and addresses of the other persons:

THIS LEVY REACHES ONE (OR MORE) DEPOSIT ACCOUNT(S)
IN THE NAME OF PERSON(S) OTHER THAN THE JUDGMENT DEBTOR
(ALONE OR TOGETHER WITH THE JUDGMENT DEBTOR).
PURSUANT TO CA CCP § 700.160 WELLS FARGO BANK, N.A. WILL
HOLD THE FUNDS LEVIED UPON UNTIL
\$11,410.57 IS CURRENTLY BEING HELD

WELLS FARGO
LEVY PROCESSING
MAC S4001-01E
PO BOX 29779
PHOENIX, AZ 85038-9779
PHONE: 480-724-2000
FAX: 866-670-1561

DECLARATION OF GARNISHEE

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: NOV 22 2021

Wells Fargo Bank

Shawna McFarland
Agent


(TYPE OR PRINT NAME)

Shawna McFarland

(SIGNATURE)

If you need more space to provide the information required by this memorandum, you may attach additional pages.

☐ Total number of pages attached:

| | | |
|--|--|---|
| ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): Coleman & Horowitz, LLP 499 West Shaw Avenue #116 Fresno CA 93704 TELEPHONE NO.: 559-248-4820 FAX NO.: 559-248-0130 E-MAIL ADDRESS: ATTORNEY FOR (Name): Lois Friedman | | LEVYING OFFICER (Name and Address): Fresno County Sheriff's Office, Civil Unit P. O. Box 45025 Fresno, CA 93718 Phone: 559-800-8230 Fax: 559-800-8322 CA Relay 800-735-2929 TDD or 711 |
| SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: 6230 Sylmar Avenue MAILING ADDRESS: Van Nuys CA 91401 CITY AND ZIP CODE: BRANCH NAME: Van Nuys Courthouse | | LEVYING OFFICER FILE NO.:  21004676 |
| PLAINTIFF/PETITIONER: Lois Friedman DEFENDANT/RESPONDENT: John Murphy, M.D. et al | | |
| MEMORANDUM OF GARNISHEE (Attachment-Enforcement of Judgment) | | COURT CASE NO.: SC121128 |

NOTICE TO PERSON SERVED WITH WRIT AND NOTICE OF LEVY OR NOTICE OF ATTACHMENT: This memorandum must be completed and mailed or delivered to the levying officer within 10 days after service on you of the writ and notice of levy or attachment unless you have fully complied with the levy. Failure to complete and return this memorandum may render you liable for the costs and attorney fees incurred in obtaining the required information.

— RETURN ALL COPIES OF THIS MEMORANDUM TO THE LEVYING OFFICER —

This memorandum does *not* apply to garnishment of earnings.

\$15,100.32

FSO - CIVIL HAS RECEIVED A CHECK IN
THE AMOUNT OF \$ 15,100.32

1. a. Garnishee (name): Wells Fargo Bank
b. Address: 790 W Shaw Avenue Suite 100 Fresno CA 93704
2. Judgment Creditor (name): Southwestern Research, Inc., a California corporation
3. ☐ (Check if applicable.) The garnishee holds neither any property nor any obligations in favor of the judgment debtor.
4. If you will not deliver to the levying officer any property levied upon, describe the property and the reason for not delivering it:

NO SAFE DEPOSIT BOX

5. For writ of execution only. Describe any property of the judgment debtor not levied upon that is in your possession or under your control:

NOTHING TO REPORT

(Continued on reverse)

Page 1 of 2

| | | |
|--|---------------------------------------|--------------------------|
| SHORT TITLE: Lois Friedman vs. John Murphy, M.D. et al | LEVYING OFFICER FILE NO.: 21004676 | CASE NUMBER: SC121128 |
|--|---------------------------------------|--------------------------|

6. If you owe money to the judgment debtor which you will not pay to the levying officer, describe the amount and the terms of the obligation and the reason for not paying it to the levying officer:

NOTHING TO REPORT

7. Describe the amount and terms of any obligation owed to the judgment debtor that is levied upon but is not yet due and payable:

NOTHING TO REPORT

8. For writ of execution only. Describe the amount and terms of any obligation owed to the judgment debtor that is not levied upon:

NOTHING TO REPORT

9. Describe any claims and rights of other persons to the property or obligation levied upon that are known to you and the names and addresses of the other persons:

NOTHING TO REPORT

WELLS FARGO
LEVY PROCESSING
MAC S4001-01E
PO BOX 29779
PHOENIX, AZ 85038-9779
PHONE: 480-724-2000
FAX: 866-670-1561

DECLARATION OF GARNISHEE

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date:

Shawna McFarlane NOV 22 2021

Wells Fargo Bank

Agent

(TYPE OR PRINT NAME)

Shawna McFarlane

(SIGNATURE)

If you need more space to provide the information required by this memorandum, you may attach additional pages.

☐ Total number of pages attached:

ATTORNEY OR PARTY WITHOUT ATTORNEY (name and address)
After recording, return to: Coleman & Horowitz, LLP
499 West Shaw Avenue #116
Fresno CA 93704

TEL NO.: 559-248-4820

FAX NO. (optional): 559-248-0130

EMAIL ADDRESS (optional):

☒ ATTORNEY
FOR☐ ORIGINAL JUDGMENT
CREDITOR☐ ASSIGNEE
OF RECORD

SUPERIOR COURT OF CALIFORNIA, COUNTY OF

STREET ADDRESS: 6230 Sylmar Avenue

MAILING ADDRESS: Van Nuys CA 91401

CITY AND ZIP CODE:

BRANCH NAME: Van Nuys Courthouse

PLAINTIFF/PETITIONER: Lois Friedman

DEFENDANT/RESPONDENT: John Murphy, M.D., et al

NOTICE OF LEVY

under Writ of ☒ Execution (Money Judgment)☐ Sale

COPY

FOR RECORDER'S USE ONLY

LEVYING OFFICER (name and address):

Fresno County Sheriff Office, Civil Unit
P. O. Box 45025
Fresno, CA 93718
CA Relay 800-735-2929 TDD or 711

LEVYING OFFICER FILE NO.:

21004677

COURT CASE NO.:

SC121128

TO THE PERSON NOTIFIED (name): Hunter Maag 5550 Partridge Court Westlake Village CA 91362-5415

1. The judgment creditor seeks to levy upon property in which the judgment debtor has an interest and apply it to the satisfaction of a judgment as follows:

a. Judgment debtor (name): SEE ATTACHED LIST.

b. The property to be levied upon is described:

☐ in the accompanying writ of possession or writ of sale.☒ as follows: Any and all accounts including but not limited to checking, savings, money markets, T-bills, securities, stocks and bonds, safe deposit boxes and account #'s 3191169154, 3191175979 standing in the name of the judgment debtor(s).

2. The judgment is for (check one):

☐ wages owed.☐ child/spousal support.☒ other. Unknown

3. The amount necessary to satisfy the judgment creditor's judgment writ is

| | | |
|---|----|---------------|
| a. Total amount due (less partial satisfactions) from line 18 of writ (form EJ-130) | \$ | 21,493,014.02 |
| b. Levy fee | \$ | 0.00 |
| c. Sheriff's disbursement fee | \$ | 12.00 |
| d. Recoverable costs | \$ | 0.00 |
| e. Total (a through d) | \$ | 21,493,026.02 |
| f. Daily interest from line 19a of writ (form EJ-130) | \$ | 5,829.47 |

4. You are notified as:

a. ☐ a judgment debtor.b. ☒ a person other than the judgment debtor (state capacity in which person is notified): 3rd Party

(Read Information for Judgment Debtor or Information for Person Other Than Judgment Debtor on page two.)

Notice of Levy was

☒ mailed on (date): 12/4/2021☐ delivered on (date):☐ posted on (date):☐ filed on (date):☐ recorded on (date):THIRD PARTY
HAS BEEN NOTIFIED

Date: 12/4/2021

Sheriff's Authorized Agent

(TYPE OR PRINT NAME)

Tara Hawthorne



(SIGNATURE)

☒ Levying officer☐ Registered process server

Page 1 of 2

COPY

3rd Party Copy

Wells Fargo Bank

– INFORMATION FOR JUDGMENT DEBTOR –

1. The levying officer is required to take custody of the property described in item 1 in your possession or under your control.
2. There are automatic exemptions that financial institutions should apply to a deposit account before providing funds to the levying officer. See below for more information.
3. You may claim any available exemption for your property. A list of exemptions can be found on form EJ-155. **If you wish to claim an exemption for personal property, you must do so within 15 days after this notice was delivered to you or 20 days after this notice was mailed to you** by filing a claim of exemption and one copy with the levying officer as provided in section 703.520 of the Code of Civil Procedure. The date of filing is calculated as the date the claim is received by the levying officer, or the date of the postmark if the claim is mailed and assigned a tracking number by the U.S. Postal Service or another common carrier. **If you do not claim an exemption, you may lose it and the property is subject to enforcement of a money judgment. If you wish to seek the advice of an attorney, you should do so immediately so that a claim of exemption can be filed on time.**
4. You are not entitled to claim an exemption for property that is levied upon under a judgment for sale of property. This property is described in the accompanying writ of sale. You may, however, claim available exemptions for property levied upon to satisfy damages or costs awarded in such a judgment.
5. You may obtain the release of your property by paying the amount of a money judgment with interest and costs remaining unpaid.
6. If your property is levied upon under a writ of execution or to satisfy damages and costs under a writ of possession or sale, the property may be sold at an execution sale, perhaps at a price substantially below its value. Notice of sale will be given to you. Notice of sale of real property (other than a leasehold estate with an unexpired term of less than two years) may not be given until at least 120 days after this notice is served on you. This grace period is intended to give you an opportunity to settle with the judgment creditor, to obtain a satisfactory buyer for the property, or to encourage other potential buyers to attend the execution sale.
7. All sales at an execution sale are final; there is no right of redemption.

– INFORMATION FOR PERSON OTHER THAN JUDGMENT DEBTOR –


1. If the property levied upon is in your possession or under your control and you do not claim the right to possession or a security interest, you must deliver the property to the levying officer. If you do not deny an obligation levied upon or do not claim a priority over the judgment creditor's lien, you must pay to the levying officer the amount that is due and payable and that becomes due and payable during the period of the execution lien, which lasts two years from the date of issuance of the writ of execution. You must execute and deliver any documents needed to transfer the property.
2. If you are a financial institution, you are required to apply applicable exemptions to deposit accounts. See below.
3. You must complete the accompanying Memorandum of Garnishee within 10 days.
4. If you claim ownership or the right to possession of real or personal property levied upon or if you claim a security interest in or lien on personal property levied upon, you may make a third-party claim and obtain the release of the property under sections 720.010–720.800 of the Code of Civil Procedure.
5. **Make checks payable to the levying officer shown on page 1.**

– INFORMATION ABOUT DEPOSIT ACCOUNTS –

1. If the levy is **not** to satisfy a judgment for wages owed, child or spousal support, or liability to the state government, financial institutions must automatically exempt money in a deposit account up to a certain dollar amount, under section 704.220 of the Code of Civil Procedure, with no claim of exemption required. See form EJ-156 for the exemption amount.
2. Other automatic exemptions may apply to deposit accounts, such as exemptions for directly deposited social security or public benefits under section 704.080. (See form EJ-156 for the exemption amounts.) Generally, the financial institution should apply the larger set of exemptions that apply to an account. See section 704.220(b).
3. If a judgment debtor has multiple accounts in one or more financial institutions, either the judgment creditor or judgment debtor may file an application in the superior court identified on the front of this form for an order as to which account the exemption should apply. (See section 704.220(e).) To get such an order, file an *Ex Parte Application for Order on Deposit Account Exemption* (form EJ-157) as soon as possible. (See EJ-157-INFO for instructions.) If the judgment debtor has more than one account in a financial institution, that institution may decide how and to which account to apply the exemption, unless it is served with a court order directing how to apply the exemption.

BEST COPY

61003821 REQU AT-187/EJ-152

| | | |
|--|--|---|
| ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): Coleman & Horowitz, LLP 499 West Shaw Avenue #116 Fresno CA 93704 TELEPHONE NO.: 559-248-4820 FAX NO.: 559-248-0130 E-MAIL ADDRESS: ATTORNEY FOR (Name): Lois Friedman | | LEVYING OFFICER (Name and Address): Fresno County Sheriff's Office, Civil Unit P. O. Box 45025 Fresno, CA 93718 Phone: 559-600-8230 Fax: 559-600-8322 CA Relay 800-735-2829 TDD or 711 |
| SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: 8230 Sylmar Avenue MAILING ADDRESS: Van Nuys CA 91401 CITY AND ZIP CODE: BRANCH NAME: Van Nuys Courthouse | | LEVYING OFFICER FILE NO.:  21004677 |
| PLAINTIFF/PETITIONER: Lois Friedman DEFENDANT/RESPONDENT: John Murphy, M.D., et al | | COURT CASE NO.: SC121128 |
| MEMORANDUM OF GARNISHEE (Attachment-Enforcement of Judgment) | | |

NOTICE TO PERSON SERVED WITH WRIT AND NOTICE OF LEVY OR NOTICE OF ATTACHMENT: This memorandum must be completed and mailed or delivered to the levying officer within 10 days after service on you of the writ and notice of levy or attachment unless you have fully complied with the levy. Failure to complete and return this memorandum may render you liable for the costs and attorney fees incurred in obtaining the required information.

— RETURN ALL COPIES OF THIS MEMORANDUM TO THE LEVYING OFFICER —

This memorandum does not apply to garnishment of earnings.

\$ 348.66

- Garnishee (name):** Wells Fargo Bank
Address: 790 W Shaw Avenue Ste 100 Fresno CA 93704
- Judgment Creditor (name):** Southwestern Research, Inc., a California corporation
- ☐ (Check if applicable.) The garnishee holds neither any property nor any obligations in favor of the judgment debtor.
- If you will not deliver to the levying officer any property levied upon, describe the property and the reason for not delivering it:

SEE ATTACHMENT
NO SAFE DEPOSIT BOX

- For writ of execution only:** Describe any property of the judgment debtor not levied upon that is in your possession or under your control:

NOTHING TO REPORT

(Continued on reverse)

Page 1 of 2

Form Approved for Optional Use
Judicial Council of California
AT-187/EJ-152 (Revised July 1, 2013)

MEMORANDUM OF GARNISHEE
(Attachment-Enforcement of Judgment)
Return to Levying Officer

Code Civ. Proc., §§ 498.010,
701.030.

TIME RECEIVED
December 3, 2021 at 4:35:15 PM PST

Main Document Page 159 of 164

REMOTE CSID
4804825770DURATION
85

/ES

STATUS
Received

Dec. 3. 2021 5:33PM

WELLS FARGO BANK 4804825770

No. 0506 P. 1

WELLS FARGO BANK
LEGAL SUPPORT DEPARTMENT
fka Legal Order Processing

P.O. BOX 29779 MAC# S 4001-01E
PHOENIX, AZ 85038
FAX: 866-670-1561
PHONE: 480-724-2000

FACSIMILE TRANSMISSION

To: Fresno County Sheriff
Attn: Geiselle

Fax: 559-600-8322

From: Jacki

Date: 12/03/2021

Number of pages including cover: 5

Comments:

Note

This message is intended only for the use of the individual or entity to which it is addressed and may contain information that is privileged, confidential and exempt from disclosure under applicable law. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution, or copying of this communication is strictly prohibited. If you have received this communication in error, please notify us immediately by telephone. Thank you.

AT-167/EJ-162

| | | |
|---|--------------------------------------|--------------------------|
| SHORT TITLE: Lois Friedman vs. John Murphy, M.D., et al | LEVYING OFFICER FILE NO: 21004677 | CASE NUMBER: SC121126 |
|---|--------------------------------------|--------------------------|

6. If you owe money to the judgment debtor which you will not pay to the levying officer, describe the amount and the terms of the obligation and the reason for not paying it to the levying officer:

NOTHING TO REPORT

7. Describe the amount and terms of any obligation owed to the judgment debtor that is levied upon but is not yet due and payable:

NOTHING TO REPORT

8. For writ of execution only. Describe the amount and terms of any obligation owed to the judgment debtor that is not levied upon:

NOTHING TO REPORT

9. Describe any claims and rights of other persons to the property or obligation levied upon that are known to you and the names and addresses of the other persons:

THIS LEVY REACHES ONE (OR MORE) DEPOSIT ACCOUNT(S)
IN THE NAME OF PERSON(S) OTHER THAN THE JUDGMENT DEBTOR
(ALONE OR TOGETHER WITH THE JUDGMENT DEBTOR).
PURSUANT TO CA CCP § 700.160 WELLS FARGO BANK, N.A. WILL
HOLD THE FUNDS LEVIED UPON UNTIL
\$11,410.57 IS CURRENTLY BEING HELD

WELLS FARGO
LEVY PROCESSING
MAC 84001-01E
PO BOX 29779
PHOENIX, AZ 85038-9779
PHONE: 480-724-2000
FAX: 866-670-1561

DECLARATION OF GARNISHEE

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: NOV 2 2021

Wells Fargo Bank
Shawna McFarland
Agent
(TYPE OR PRINT NAME)

Shawna McFarland
(SIGNATURE)

If you need more space to provide the information required by this memorandum, you may attach additional pages:

☐ Total number of pages attached:

EL-130

| | |
|---|--------------|
| Plaintiff/Petitioner: LOIS FRIEDMAN, et al. | CASE NUMBER: |
| Defendant/Respondent: JOHN MURPHY, M.D., et al. | SC121128 |

21. ☒ Additional judgment debtor(s) (name, type of legal entity if not a natural person, and last known address):

SOUTHERN CALIFORNIA RESEARCH LLC
436 N. Roxbury Drive, Suite 222 (also Suite 205)
Beverly Hills, CA 90210

JOHN MURPHY, M.D.
1300 SE MacArthur Boulevard
Stuart, FL 34996

FILED BK AND WILL NOT EXECUTE JUDGMENT

22. The judgment is for (check one):

- a. ☐ wages owed.
b. ☐ child support or spousal support.
c. ☒ other.

23. ☐ Notice of sale has been requested by (name and address):

24. ☐ Joint debtor was declared bound by the judgment (CCP 989-994)

- a. on (date):
b. name, type of legal entity if not a natural person, and last known address of joint debtor:
a. on (date):
b. name, type of legal entity if not a natural person, and last known address of joint debtor:

- c. ☐ Additional costs against certain joint debtors are itemized: ☐ below ☐ on Attachment 24c.

25. ☐ (Writ of Possession or Writ of Sale) Judgment was entered for the following:

- a. ☐ Possession of real property: The complaint was filed on (date):
(Check (1) or (2). Check (3) if applicable. Complete (4) if (2) or (3) have been checked.)
- (1) ☐ The Prejudgment Claim of Right to Possession was served in compliance with CCP 415.46. The judgment includes all tenants, subtenants, named claimants, and other occupants of the premises.
- (2) ☐ The Prejudgment Claim of Right to Possession was NOT served in compliance with CCP 415.46.
- (3) ☐ The unlawful detainer resulted from a foreclosure sale of a rental housing unit. (An occupant not named in the judgment may file a Claim of Right to Possession at any time up to and including the time the levying officer returns to effect eviction, regardless of whether a Prejudgment Claim of Right to Possession was served.) (See CCP 415.46 and 1174.3(a)(2).)
- (4) If the unlawful detainer resulted from a foreclosure (item 25a(3)), or if the Prejudgment Claim of Right to Possession was not served in compliance with CCP 415.46 (item 25a(2)), answer the following:
- (a) The daily rental value on the date the complaint was filed was \$
- (b) The court will hear objections to enforcement of the judgment under CCP 1174.3 on the following dates (specify):

Item 25 continued on next page

EL-130 (Rev. September 1, 2020)

CLERK OF COURT
Superior Court
County of Santa Clara

WRIT OF EXECUTION

Page 3 of 3

WELLS
FARGO

Wells Fargo Bank, N.A.
Levy Processing Department
PO Box 29779 Mac# S4001-01E
Phoenix, AZ 85038
Phone# 480/724-2000
Fax# 866/870-1561

ATTACHMENT for Third Party on accounts

HUNTER MAAG
5550 PARTRIDGE CT
WESTLAKE VILLAGE CA 91362-5415

WFB is currently holding \$ 11,410.57 with the third party listed above.

THIS LEVY REACHES ONE (OR MORE) DEPOSIT ACCOUNT(S) IN THE NAME OF PERSON(S) OTHER THAN THE JUDGMENT DEBTOR (ALONE OR TOGETHER WITH THE JUDGMENT DEBTOR). PURSUANT TO CA CCP § 700.160 WELLS FARGO BANK, N.A. WILL HOLD THE FUNDS LEVIED UPON UNTIL NOTIFIED WITH THE APPROPRIATE DOCUMENTATION BY THE LEVYING OFFICER TO FORWARD THE FUNDS.

Levying officer file # 21004677

Court case # SC121128

WELLS FARGO BANK LIG # 61003821

RECEIVED
2021 DEC -4 PM 1:03
FRESNO COUNTY
SHERIFF'S OFFICE
CIVIL UNIT

PROOF OF SERVICE OF DOCUMENT

I am over the age of 18 and not a party to this bankruptcy case or adversary proceeding. My business address is:
16030 Ventura Blvd., Suite 470, Encino, CA 91436

A true and correct copy of the foregoing document entitled **MOTION FOR DISALLOWANCE OF PROOF OF CLAIM 7
FILED BY SOUTHWESTERN RESEARCH, INC.; MEMORANDUM OF POINTS AND AUTHORITIES;
DECLARATIONS OF MONSI MORALES AND DARRELL MAAG** will be served or was served (a) on the judge in
chambers in the form and manner required by LBR 5005-2(d); and (b) in the manner stated below:

1. TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF): Pursuant to controlling General
Orders and LBR, the foregoing document will be served by the court via NEF and hyperlink to the document. On
September 2, 2022, I checked the CM/ECF docket for this bankruptcy case or adversary proceeding and determined that
the following persons are on the Electronic Mail Notice List to receive NEF transmission at the email addresses stated
below:

☒ Service information continued on attached page

2. SERVED BY UNITED STATES MAIL:

On September 2, 2022, I served the following persons and/or entities at the last known addresses in this bankruptcy case
or adversary proceeding by placing a true and correct copy thereof in a sealed envelope in the United States mail, first
class, postage prepaid, and addressed as follows. Listing the judge here constitutes a declaration that mailing to the judge
will be completed no later than 24 hours after the document is filed.

JUDGE: Hon. Deborah J. Saltzman, U.S. Bankruptcy Court, 255 E. Temple St., Ste. 1634, Los Angeles, CA 90012
Claimant 7: Southwestern Research, Inc., c/o Donald L. Cornwell, Law Offices of Donald L. Cornwell, 11766 Wilshire
Blvd., Suite 700, Los Angeles, CA 90025

☐ Service information continued on attached page

3. SERVED BY PERSONAL DELIVERY, OVERNIGHT MAIL, FACSIMILE TRANSMISSION OR EMAIL (state method
for each person or entity served): Pursuant to F.R.Civ.P. 5 and/or controlling LBR, on _____, I served the
following persons and/or entities by personal delivery, overnight mail service, or (for those who consented in writing to
such service method), by facsimile transmission and/or email as follows. Listing the judge here constitutes a declaration
that personal delivery on, or overnight mail to, the judge will be completed no later than 24 hours after the document is
filed.

☐ Service information continued on attached page

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

September 2, 2022
Date

Helen Cardoza
Printed Name

/s/ Helen Cardoza
Signature

ADDITIONAL SERVICE INFORMATION:

1. TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF):

ATTORNEY FOR CREDITOR: J Scott Bovitz bovitz@bovitz-spitzer.com

ATTORNEY FOR CREDITOR: Jeffrey D Cawdrey jcawdrey@grsm.com adeyemo@gordonrees.com;
sdurazo@grsm.com

ATTORNEY FOR CREDITOR: Donald Cornwell don@doncornwell.com

ATTORNEY FOR CREDITOR: Vincent V Frounjian vvf.law@gmail.com

ATTORNEY FOR DEBTOR: Craig G Margulies Craig@MarguliesFaithlaw.com, Vicky@MarguliesFaithlaw.com;
Helen@MarguliesFaithlaw.com;Angela@MarguliesFaithlaw.com

ATTORNEY FOR US TRUSTEE: Kristin T Mihelic kristin.t.mihelic@usdoj.gov

ATTORNEY FOR DEBTOR: Monserrat Morales Monsi@MarguliesFaithLaw.com,
Vicky@MarguliesFaithLaw.com;Helen@marguliesfaithlaw.com;Angela@MarguliesFaithlaw.com

ATTORNEY FOR DEBTOR: James R Selth jim@wsrlaw.net, jselth@yahoo.com;vinnet@ecf.inforuptcy.com

ATTORNEY FOR CREDITOR: Valerie Smith claims@recoverycorp.com

United States Trustee (ND) ustpreion16.nd.ecf@usdoj.gov

ATTORNEY FOR DEBTOR: Daniel J Weintraub dan@wsrlaw.net, vinnet@ecf.inforuptcy.com